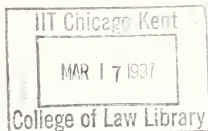


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M.R.

Scott Livingston



**1997**

# **Illinois Register**

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**Rules of Governmental Agencies**

Volume 21, Issue 11 — March 14, 1997

Pages 3001 - 3348

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Index Department  
Administrative Code Div.  
111 East Monroe Street  
Springfield, IL 62756  
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## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 1997

Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:	Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:
Dec. 24, 1996	Dec. 31, 1996	1	Jan. 3, 1997	July 1, 1997	July 8, 1997	28	July 11, 1997
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June 24, 1997	July 1, 1997	27	July 4, 1997*	Dec. 30, 1997	Jan. 6, 1998	2	Jan. 9, 1998

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

\* Monday



## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Community Care Program
  - 2) Code Citation: 89 Ill. Adm. Code 240
  - 3) Section Numbers: Proposed Action:  
240.815 Amendment
  - 4) Statutory Authority: 20 ICS 105/4.01(11) and 5.02 and Public Act 89-525
  - 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is filed in conjunction with the proposed rulemaking at 89 Ill. Adm. Code 260 implementing the mandates of Public Act 89-525. The Long-Term Care Insurance Partnership Program allows individuals to purchase a certified long term care insurance policy with dollar for asset protection, up to the total asset protection with purchase a policy, an individual may elect to have a portion of their assets protected by an insurance facility. This proposed amendment is promulgated to exclude assets protected by a certified long term care insurance policy that meets State standards when determining Community Care Program eligibility.
  - 6) Will this proposed rule replace an emergency rule currently in effect?  
No
  - 7) Does this rulemaking contain an automatic repeal date? No
  - 8) Does this proposed amendment contain incorporations by reference? Yes
  - 9) Are there any proposed amendments pending on this Part? Yes
- | Section Numbers   | Proposed Action                       | Illinois Register Citation |
|-------------------|---------------------------------------|----------------------------|
| 240.728 Amendment | October 18, 1996 (20 Ill. Reg. 13463) |                            |
| 240.729 Amendment | October 18, 1996 (20 Ill. Reg. 13463) |                            |
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.
  - 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their written comments concerning this rulemaking, within 45 days after the date of this issue of the Illinois Register, to:

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

Ms. Pamela W. Balmer, Assistant  
Office of General Counsel  
Illinois Department on Aging  
421 East Capitol Avenue #100  
Springfield, IL 62701-1789  
Attention: Long-Term Care Insurance Partnership Program  
(217) 782-4842

The rule amendments will have an impact on small businesses. In accordance with Sections 1-20 and 5-20 of the Illinois Administrative Procedure Act, any small business may present their comments to Ms. Pamela W. Balmer, at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on the rule amendment shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: Case Coordination Units and Community Care Program service providers.
- B) Reporting, bookkeeping or other procedures required for compliance: Reporting, bookkeeping and other procedures commensurate with those established under the Community Care Program.
- C) Types of professional skills necessary for compliance: Professional skills commensurate with the Community Care Program.

13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER II: DEPARTMENT ON AGING

## PART 240

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AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(1)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendments at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendments at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendments suspended at 16 Ill. Reg. 1744; emergency amendments waived in response to a suspension by the Joint Committee on Administrative Rules, effective December 1, 1991; emergency amendments at 15 Ill. Reg. 19558, effective December 13, 1991; emergency amendments at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendments at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendments at 16 Ill. Reg. 4059, effective February 28, 1992, to

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendments at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 1523, effective December 1, 1995; amended 11. Reg. 5398, effective March 10, 1996; emergency amendment at 20 Ill. Reg. 8995, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8995, effective July 1, 1996; amended at 20 Ill. Reg. 10597, effective August 1, 1996; amended at 21 Ill. Reg. 887, effective January 10, 1997; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART H: FINANCIAL REQUIREMENTS

## Section 240.815 Exempt Assets

- a) Exempt Assets
  - 1) Homestead property
  - 2) Clothing and personal effects
  - 3) Household furnishings
  - 4) Business or farming equipment used for the production of income
  - 5) Motor vehicle(s) except those primarily used for recreational purposes
  - 6) Group life insurance held as a condition of employment or provided by employer
  - 7) The principal of a trust fund only when the instrument establishing the trust specifically states the principal cannot be impaired.
  - 8) One of the following:
    - A) a prepaid burial plan with a total value of up to \$1,500 if burial merchandise is not specified. If burial merchandise is specified in the burial plan, that merchandise shall be exempt. Any excess of \$1,500 in value for burial services shall be considered non-exempt; or
    - B) life insurance policy with a total face or cash value of \$1,500 or less. When both cash and face value exceed \$1,500 apply the excess cash value over \$1,500 toward the non-exempt assets.

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

- C) Burial space(s) intended for use of the client and grave markers shall be exempt.
- 9) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017(b)).
- 10) The value of the U.S. Department of Agriculture donated foods (surplus commodities).
- 11) The value of supplemental food assistance received under the Child Nutrition Act of 1966 as amended, (42 U.S.C. 1780(b)) and the special food service program for children under the National School Lunch Act, as amended (42 U.S.C. 1760).
- 12) Assets protected by purchase of a certified long-term care insurance policy that meets State standards [320 ILCS 35/25 (b)(1) through (5)].
- b) In addition to the above, the following assets are exempt. These assets remain exempt only so long as they can be identified by a special accounting system:
  - 1) Any assets received under Title III, Part C, Nutrition Program for the Elderly of the Older Americans Act of 1965, as amended (42 U.S.C. 3030(e) and (f)).
  - 2) Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636).
  - 3) Any funds distributed per capita to or held in trust for members of any Indian tribe under P.L. 92-254, P.L. 93-134 or P.L. 94-450 (25 U.S.C. 1407).
  - 4) Tax-exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1626).
  - 5) Experimental Housing Allowance Program payments made under Annual Contributions Contracts entered into prior to January 1, 1975, under Section 23 of the U.S. Housing Act of 1937, as amended (42 U.S.C. 1437 (f)).
  - 6) Effective October 17, 1975, receipts distributed to certain Indian tribal members for marginal land held by the United States government.
  - 7) Payments to volunteers under the 1973 Domestic Volunteer Service Act (48 U.S.C. 5044). These include:
    - A) Vista Volunteers;
    - B) Volunteers serving as senior health aides, senior companions, foster grandparents, or persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE).
  - 8) Any grant or loan to any undergraduate student for educational purposes made or insured under any program administered by the Secretary of Education.
  - 9) Supplemental Security Income (SSI) lump sum payments.
  - 10) Income received under the provision of the Section 4(c) of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 45/4(c)] that-relief-

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

19877--chr-67-57-par--694tet. This includes both the benefits commonly known as the "circuit breaker" and the "additional grants".

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Long-Term Care Insurance Partnership Demonstration Program
- 2) Code Citation: 89 Ill. Adm. Code 260
- 3) Section Numbers:  
 260.100 Proposed Action:  
 260.200 Amendment  
 260.300 Amendment  
 260.400 Amendment
- 4) Statutory Authority: 320 ILCS 35 and 20 ILCS 105/4.01(11) and 5.02 and Public Act 89-525

5) A Complete Description of the Subjects and Issues Involved: The purpose of this rulemaking is to implement the mandates of Public Act 89-525 by moving the program from its demonstration status to program status. The Long-Term Care Insurance Partnership Program allows individuals to purchase a certified long term care insurance policy with dollar for asset protection, up to total asset protection with purchase of a policy in an amount equal to the average cost of four years of long term care services in a nursing facility. The insured will be apprised of the benefits of purchasing inflation protection for the long term care insurance policy. In the event of program termination, insured individuals will have the option to purchase any traditional long term care insurance policy offered by the insurer which has benefits comparable to those provided by a certified long term care insurance policy.

Due to the administrative mandate required of the Department, the Program rules promulgated by the Department of Rehabilitation Services, the Department of Insurance and the Department of Public Aid have been referenced in this proposed rulemaking.

The Long-Term Care Insurance Partnership Program will provide a vehicle whereby individuals can protect their life savings from the catastrophic costs of long term care while expanding markets for Case Coordination Units and increasing flexible funding for home and community based services.

- 6) Will this proposed rule replace an emergency rule currently in effect?  
No
- 7) Does this rulemaking contain an automatic renewal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any proposed amendments pending on this Part? No

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their written comments concerning this rulemaking, within 45 days after the date of this issue of the *Illinois Register*, to:

Ms. Pamela W. Balmer, Assistant  
Office of General Counsel  
Illinois Department on Aging  
421 East Capitol Avenue #100  
Springfield, Illinois 62701-1789  
Attention: Long-Term Care Insurance Partnership Program

The rule amendments will have an impact on small businesses. In accordance with Sections 1-20 and 5-20 of the Illinois Administrative Procedure Act, any small business may present their comments to Ms. Pamela W. Balmer, at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on the rule amendment shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Case Coordination Units and Community Care Program service providers.

B) Reporting, bookkeeping or other procedures required for compliance: reporting, bookkeeping and other procedures commensurate with those established under the Community Care Program.

C) Types of professional skills necessary for compliance: Professional skills commensurate with the Community Care Program.

13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER II: DEPARTMENT ON AGING

## PART 260

## LONG-TERM CARE INSURANCE PARTNERSHIP DEMONSTRATION PROGRAM

## SUBPART A: PROGRAM OVERVIEW

Section  
260.100

Authority and Purpose

## SUBPART B: ELIGIBILITY

Section  
260.200

Eligibility Requirements

## SUBPART C: APPEALS

Section  
260.300

Appeals

## SUBPART D: SERVICES

Section  
260.400

Scope of Services

**AUTHORITY:** Implementing the Partnership for Long-Term Care Act (320 ILCS 35) and authorized by Section 4.01(1) of the Illinois Act on Aging (20 ILCS 105/4.01(1)).

**SOURCE:** Adopted at 18 Ill. Reg. 9895, effective July 1, 1994; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: PROGRAM OVERVIEW

## Section 260.100 Authority and Purpose

a) These rules are promulgated to implement the provisions of the Partnership for Long-Term Care Act (320 ILCS 35). The Illinois Department on Aging shall administer the provisions of the Act and in so doing references incorporate-by-reference the following. These incorporations-by-reference include no new amendments or editions made after the original adoption date of this Part:

- 1) Long-Term Care Insurance Partnership, 50 Ill. Adm. Code 2018, Illinois Department of Insurance;
- 2) Medical Assistance Programs, 89 Ill. Adm. Code 120.382(a)(3) and 120.386(b), Illinois Department of Public Aid; and
- 3) Long-Term Care Insurance Partnership Demonstration Program, 89



## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

- Ill. Adm. Code 688, Illinois Department of Rehabilitation Services.
- b) The purpose of this Part these rules is to establish a private-public Long-Term Care Insurance Partnership Demonstration Program in which individuals who purchase private long-term care insurance that meets State standards and who sustain extended episodes of chronic illnesses that exhaust all the benefits of their private insurance be eligible for continued care by in-home supportive services and by the Medicaid program on the basis of specific resource eligibility requirements.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: ELIGIBILITY

## Section 260.200 Eligibility Requirements

- a) Individuals who are at least 60 years of age and who exhaust all Long-Term Care Insurance Partnership Demonstration Program benefits shall be considered eligible for the Department on Aging's Community Care Program, as indicated in 89 Ill. Adm. Code 240.600 through 240.875, with the following exceptions:

- 1) Points scored on the Determination of Need (DON), as indicated in 89 Ill. Adm. Code 240.715, need only be at least 15 points on Part A of the DON, at least 10 points of which may be earned on the Mini-Mental State Exam (MMSE); and
  - 2) Non-exempt assets shall not exceed the sum of the allowable amount under the Community Care Program as indicated in 89 Ill. Adm. Code 240.810(a), and the amount equal to the qualifying insurance benefit payments made as a result of coverage under a Long-Term Care Insurance Partnership Policy as described in 50 Ill. Adm. Code 208.000.
  - 3) Assets of individuals who purchased a certified Long-Term Care Insurance Partnership Policy with an amount of coverage equal to or greater than the average of four years of long-term care services in a nursing facility shall be disregarded provided that the individual has received all the qualifying insurance benefit payments that are payable under the policy.
- b) All other program eligibility criteria under the Long-Term Care Insurance Partnership Demonstration Program has been incorporated by reference in Section 260.100(a).

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: APPEALS

## Section 260.300 Appeals

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

- a) All individuals at least 60 years of age have a right to appeal a denial of benefits or a designated Plan of Care under the Long-Term Care Insurance Partnership Demonstration Program. These appeals shall be conducted pursuant to 89 Ill. Adm. Code 240.400 through 240.485.
- b) All individuals who apply for coverage under the Long-Term Care Insurance Partnership Demonstration Program have a right to appeal a denial of coverage. These appeals shall be conducted pursuant to 89 Ill. Adm. Code 240.400, 240.425(a), 240.430 and 240.435.
- c) All other appeal provisions under the Long-Term Care Insurance Partnership Demonstration Program have been incorporated by reference in Section 260.100(a).

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: SERVICES

## Section 260.400 Scope of Services

- a) All individuals who qualify for the Department on Aging's Community Care Program by having been a recipient of services provided under the Long-Term Care Insurance Partnership Demonstration Program shall receive services as provided through the Demonstration Program at a level not to exceed the maximum payment levels as described in 89 Ill. Adm. Code 240.728 and 240.729.
- b) All other service provisions under the Long-Term Care Insurance Partnership Demonstration Program have been incorporated by reference in Section 260.100(a).

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE BOARD OF ELECTIONS

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Campaign Financing Act
- 2) Code Citation: 26 Ill. Adm. Code 100
- 3) Sections Numbers: Proposed Action:  
100.40 Amend  
100.70 Amend  
100.120 New
- 4) Statutory Authority: Implements Article 9 and authorized by Section 9-15(3) of the Illinois Election Code [10 ILCS 5/9 and 9-15(3)].
- 5) A Complete Description of the Subjects and Issues Involved:  
100.40 -- Adds a requirement that political committees bear the cost of reconstruction of their records and accounts where they have failed to preserve them as required by statute or rule and where reconstruction is necessary to an audit.  
100.70 -- Adds a requirement that political committees which, subsequent to the filing of a Statement of Non-Participation, make a contribution to an active political campaign, must file a Pre-Election Report within 5 days after making the contribution.  
100.120 -- Requires that donors of in-kind contributions notify the committee intended to benefit from the contribution of the making of the contribution within 5 days after making it. Further requires that the beneficiary committee acknowledge and report all in-kind contributions of which it has actual or constructive knowledge. Establishes the date on which an in-kind contribution is deemed to have been received.  
6) Will this proposed rule replace an emergency rule currently in effect? No  
7) Does the rulemaking contain an automatic repeal date? No  
8) Do these proposed amendments contain incorporations by reference? No  
9) Are there any other proposed amendments pending on this Part? No  
10) Statement of Statewide Policy Objectives:  
100.40 -- Insures that effective audits are not hampered by incomplete records.  
100.70 -- Prevents late transfers of funds between committees from escaping timely reporting.

## STATE BOARD OF ELECTIONS

## NOTICE OF PROPOSED AMENDMENTS

- 100.120 -- Prevents in-kind contributions from escaping timely reporting.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to the  
State Board of Elections  
A. L. Zimmer, General Counsel  
James R. Thompson Center  
100 West Randolph Street  
Suite 14-100  
Chicago, IL 60601  
(312) 814-6477  
or at a Public Hearing to be held on March 17, 1997 at the State Board of Elections' principal office located at 1020 S. Spring Street, Springfield, Illinois and April 21, 1997 at the Board's permanent branch office, at The James R. Thompson Center, 100 W. Randolph Street, Chicago, Illinois. Please contact the Board's offices for verification of hearing, time, room and date.
- 12) Initial Regulatory Flexibility Analysis:  
A) Types of Small businesses affected: None  
B) Reporting, bookkeeping or other procedures required for compliance:  
100.40 -- No new requirements  
100.70 -- An additional report will be required if a contribution is made after a Statement of Non-Participation has been filed.  
100.120 -- Individual contributors will be required to keep records of in-kind contributions.  
C) Types of professional skills necessary for compliance: Clerk/typist or bookkeeper.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: Originally the Board considered achieving these measures through a legislative initiative, but upon further review, determined that the proper method was via rulemaking under the IAPA.

The full text of the Proposed Amendments begins on the next page:

STATE BOARD OF ELECTIONS  
NOTICE OF PROPOSED AMENDMENTS

TITLE 26: ELECTIONS  
CHAPTER 1: STATE BOARD OF ELECTIONS  
PART 100  
THE CAMPAIGN FINANCING ACT

Section  
100.10 Definitions  
100.20 Official Forms  
100.30 Forwarding of Documents (Repealed)  
100.40 Vacancies in Office - Custody of Records  
100.50 Multiple Filings by State and Local Committees  
100.60 Filing Option for a Federal Political Committee  
100.70 Reports of Contributions and Expenditures  
100.80 Report Forms  
100.90 Provision Circumvention  
100.100 Proof of Identification: Application for Inspection and Copying  
100.110 Loans by One Political Committee to Another  
100.120 Receipt of Campaign Contributions

**AUTHORITY:** Implementing Article 9 of the Election Code [10 ILCS 5/Art. 9] and authorized by Section 9-15(3) of the Election Code [10 ILCS 5/9-15(3)].

**SOURCE:** Amended at 5 Ill. Reg. 1337, effective January 30, 1981; amended at 5 Ill. Reg. 1215, effective October 26, 1981; codified 6 Ill. Reg. 721; amended at 6 Ill. Reg. 229, effective December 1, 1982; amended at 14 Ill. Reg. 1024, effective June 27, 1984; amended 16 Ill. Reg. 6982, effective April 21, 1991; amended at 18 Ill. Reg. 14707, effective September 9, 1994; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 100.40 Vacancies in Office - Custody of Records**

Reference: This Section interprets or applies Section 9-2, 9-5, 9-7, 9-10 and 9-15 of the Election Code.

- a) Death  
Upon the death of the treasurer of a committee, the candidate or, if such candidate is unable or unwilling to act, the remaining officers of the committee shall appoint a new treasurer and so amend the Statement of Organization (Form D-1) within 10 days of the date of death of the treasurer. In the event there is no candidate or remaining officers of the committee, the person or persons who succeed to the interests of the committee in its funds shall be responsible for filing all appropriate reports until such time as new officers are chosen or the committee terminates.
- b) Removal from Office  
In the case of a single candidate related committee whose officers were originally named by the candidate, the candidate shall have the right to remove any and all officers of his committee, provided such

STATE BOARD OF ELECTIONS  
NOTICE OF PROPOSED AMENDMENTS

- removal be done in writing and that the candidate comply with all requirements of the Act in the absence of officers for his candidate related committee. If a candidate removes from office any or all officers of his committee, all records related to the committee shall be maintained by the candidate. If former officers request, he shall allow them access to records and provide reasonable opportunity to make copies.
- c) Resignation  
If the treasurer and all other officers resign and no new officers are appointed, the former treasurer and officers or, in the case of candidate related committees, the candidate shall be responsible for terminating the committee. When an individual vacates the position of treasurer, he shall verify the accuracy of his or her records to the succeeding treasurer. The succeeding treasurer shall not be held responsible for the veracity or accuracy of the records of the predecessors.
- d) Inability to Sign  
All reports shall be verified, dated and signed by either the treasurer of the political committee making the statement or the candidate on whose behalf the statement is made. However, should it be impossible for the political committee to obtain the signature of the treasurer or candidate prior to the filing deadline, then another may sign for the treasurer, provided that the treasurer submits a statement in 30 days of the filing indicating that such substituted signature is authorized and the treasurer acknowledges responsibility if he had signed. The substituted signature shall read, "treasurer's name, by name of person signing". If the treasurer failed to submit a letter within 30 days, then the report filed shall be considered a nonfiling.
- e) All reports, original reports, and other campaign documents required to be kept by a political committee under Article 9 of the Election Code remain the property of the political committee. No chairman, treasurer, or candidate shall have any proprietary or possessory interest in such documents in derogation of the rights of the committee itself.
- f) If any political committee changes any officers, all records, statements and reports in the possession of the outgoing officers shall be transferred within ten (10) days following such change to the person or persons newly responsible for the maintenance of those records and/or the filing of reports.
- g) If any outgoing officer fails to turn over the records in his or her care to a successor, in accord with this Section, or if any officer attempts to withhold records from other officers of the committee, the committee chairman, the treasurer, or the candidate may file a complaint before the Board requesting a turnover order.
- h) A committee which fails to preserve its records and accounts required by Section 9-7 of the Election Code or by this Part, for the periods required by statute or rule may be required to reconstruct its records

## STATE BOARD OF ELECTIONS

## NOTICE OF PROPOSED AMENDMENTS

and accounts if doing so is necessary to the audit of its records. If a committee is required to reconstruct its records it must pay all of the costs and charges, including bank or accountants fees, for the reconstruction of the records.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 100.70 Reports of Contributions and Expenditures

a) Reference: This Section interprets or applies Section 9-10 of the Election Code.

b) For purposes of determining the amount of contributions of \$500 or more under Section 9-10 of the Act, all contributions received between the last date of the period covered by the last report filed prior to the election and the election from a single person, as defined in Section 9-1.6, shall be aggregated and treated as one.

c) An expenditure to a payee who is in whole or in part only a conduit for payment to another, such as a political consultant or a credit card issuer, must include by way of detail or separate entry the amount of funds passing to each vendor, business entity or person to receive funds from the payment, together with the reason for each such disbursement and the beneficiary of the disbursement. Nothing in this Section shall be construed to impose a reporting obligation on any person not otherwise required to report under Article 9 of the Election Code, or to require the itemization of expenditures not otherwise required to be itemized under Article 9 of the Election Code.

d) A committee which, having filed a Statement of Non-Participation, makes a subsequent contribution to a candidate who will appear on the ballot at the next election shall file a Pre-Election Report within five days after making the contribution, or if the contribution is made during the five days immediately prior to the election, within 24 hours after making the contribution.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 100.120 Receipt of Campaign Contributions

a) Every person or political committee which makes any expenditure on behalf of a candidate or political committee in excess of \$20.00 shall notify the treasurer of the political committee within five business days after making the contribution. The notification shall include the name and address of the person or political committee making the expenditure, the name and address of the entity to whom the expenditure was made, the amount of ascertainable market value of the expenditure, if in kind, a description of the goods or services, and

## STATE BOARD OF ELECTIONS

## NOTICE OF PROPOSED AMENDMENTS

the date the expenditure was made.

b) An entity defined by Section 9-1.6 of the Election Code or a political committee defined by Sections 9-1.7, 9-1.8 or 9-1.9 of the Election Code shall acknowledge, to the donor, receipt of any such notice it receives conforming to the requirements of subsection (a) of this Section. If the donor of the expenditure does not comply with subsection (a) of this Section the beneficiary political committee shall nonetheless have the responsibility to report such in-kind contributions or expenditures from the donor if it actually knows or reasonable should have known from the facts available to it that an in-kind contribution had been made in its behalf.

c) A contribution, irrespective of its character, to a political committee is deemed to have been received on the date the contribution was actually received by the Treasurer of the Committee. An in-kind expenditure for goods or services, possession of which is not actually obtained by the recipient committee, shall be deemed to be received on the date the notice required by subsection (a) of this Section is actually received by the Committee, or if no notice has been received, on the date information comes into the possession of the recipient committee from which the committee knows or should reasonably know of the in-kind contribution.

(Source: Added at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: DATA COLLECTION
- 2) Code Citation: 77 Ill. Adm. Code 2510
- 3) Section Numbers:

Appendix D	Proposed Action:
Appendix E	Amendment
Appendix F	New
Appendix G	New
Appendix H	New
Appendix I	New
- 4) Statutory Authority: Section 4-4 of Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act (20 ILCS 2215/2-3 and 4-4) and Public Act 89-554
- 5) A Complete Description of the Subjects and Issues Involved: The amendments provide for the removal of invalid record expansion information in Appendices D and E. In addition, the amendments provide the agency with authority to collect outpatient surgical data from hospitals and ambulatory surgical treatment centers in a pilot and field test in Appendices F, G, H and I. There is also a possibility that the agency will only use one of the two formats currently proposed beginning with the field test, which starts in July 1997.
- 6) Will this Proposed rule replace an emergency rule currently in effect?  
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this amendment contain an incorporation by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed amendments allow the agency to remove invalid record expansion information and establish outpatient surgical data collection formats for hospitals and ambulatory surgical treatment centers.
- 11) Time, Place and Manner in Which Interested Persons May Comment on This Rulemaking: Comments may be submitted in writing within 45 days after this issue of the Illinois Register to:  
Norman Roughley  
Supervisor, Health Care Industry Relations  
Information Services Division  
Illinois Health Care Cost Containment Council  
4500 South Sixth Street Road, Suite 215

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF PROPOSED AMENDMENT(S)

Springfield, Illinois 62703-5118  
217/786-7001, extension 108

12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Business affected: Hospitals and Ambulatory Surgical Treatment Centers
- B) Reporting, Bookkeeping or other procedures required for compliance: No additional
- C) Type of Professional skills necessary for compliance: No additional
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments is the same as the Emergency Amendments appearing in this issue of the Illinois Register on page \_\_\_\_.

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Hospital Price Information
- 2) Code Citation: 77 Ill. Adm. Code 2530
- 3) Section Numbers: 2530.40  
2530.50  
Proposed Action:  
Amendment  
New
- 4) Statutory Authority: Section 4-4 of Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/2-3 and 4-4] and Public Act 89-554
- 5) A Complete Description of the Subjects and Issues Involved: The amendments provide the agency with authority to collect outpatient surgical data from hospitals and ambulatory surgical treatment centers. It also permits the agency, upon annual recommendation of its technical advisory group, to change the list of outpatient surgical procedures to be surveyed.
- 6) Will this proposed rule replace an emergency rule currently in effect?  
Yes
- 7) Does this rulemaking contain an automatic renewal date? No
- 8) Does this amendment contain an incorporation by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed amendments allow the agency to disseminate hospital and ambulatory surgical treatment center prices during the year in which they were reported. The amendments also assist the agency in monitoring health care prices more effectively by allowing annual revisions to the list of surgical procedures to be surveyed.
- 11) Time, Place and Manner in Which Interested Persons May Comment on This Rulemaking: Comments may be submitted in writing within 45 days after this issue of the Illinois Register to:  
Norman Roughley  
Deputy Chief of Information Services  
Illinois Health Care Cost Containment Council  
4500 South Sixth Street Road, Suite 215  
Springfield, Illinois 62703-5118  
217/786-7001, extension 108
- 12) Initial Regulatory Flexibility Analysis:  
A) Type of Small Business affected: Hospitals

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF PROPOSED AMENDMENT(S)

- B) Reporting, Bookkeeping or other Procedures required for compliance: No additional
- C) Type of Professional skills necessary for compliance: No additional
- 13) Regulatory Agenda in which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments is the same as the Emergency Amendments appearing in this issue of the Illinois Register on page



DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers: Proposed Action:  
120.60 Amendment  
120.347 Amendment

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: To ensure that the Department's rules do not impede a person's opportunity to receive a transplant, these proposed amendments make a change in the rules regarding enrollment in spend-down. The rules currently state that an individual cannot be enrolled in spend-down unless certain criteria are met. A person who is on a waiting list to receive a transplant does not presently meet one of the specified criterion for enrollment in spend-down.

Individuals are not enrolled in spend-down status unless they either have sufficient medical expenses to meet their spend-down obligation or they have income and assets below the Qualified Medicare Beneficiary (QMB) asset disregard. These provisions have saved the Department the administrative costs of maintaining cases with large spend-down amounts in unmet spend-down status while still ensuring that individuals who are Medicaid eligible are authorized in a timely manner.

The Department has been advised that transplant centers will not place individuals on a waiting list to receive a transplant unless the period is enclosed in spend-down. Pursuant to this recommendation, the Department is modifying its rules to allow spend-down enrollment for persons on a waiting list or who would be on a waiting list to receive a transplant if not for a payor source.

In addition, this rulemaking corrects an omission, which is needed to align current Department policy and the rules, regarding the treatment of irrevocable trusts.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED AMENDMENTS

- 120.11 Amendment January 10, 1997 (21 Ill. Reg. 558)
- 120.310 Amendment January 10, 1997 (21 Ill. Reg. 558)
- 120.379 Amendment August 23, 1996 (20 Ill. Reg. 11472)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umuna  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Ave. E., 3rd Floor  
Springfield, Illinois 62762  
(217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 3-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that entities may submit in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the Department's flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

B) Resorting, bookkeeping or other procedures required for compliance:  
None



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## C) Types of Professional skills necessary for compliance: None

## 13) Regulatory agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89. SOCIAL SERVICES  
CHAPTER 1. DEPARTMENT OF PUBLIC AID  
SUBCHAPTER 6. ASSISTANCE PROGRAMS

## PART 120

## MEDICAL ASSISTANCE PROGRAMS

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which that--the client meets non-financial eligibility requirements up to three months prior to the month of application, if the client so desires; or

3) which that--the client meets non-financial eligibility requirements.

## b) Eligibility Without Spend-down for MANG (AABD) and MANG(C)

1) If the client's nonexempt income available during the eligibility period is equal to or below the applicable MANG standard (Sections 120.20 and 120.30) and nonexempt assets are not in excess of the applicable asset disregard (Section 120.382), the client is eligible for medical assistance from the first day of the eligibility period. The Department will pay for covered covered services received during the entire eligibility period with-be-paid-for-by-the-Department.

2) The client is responsible for reporting to--report any changes that occur during the eligibility period which might affect eligibility for medical assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for medical assistance. If changes in income, assets or family composition occur which would make the client a spend-down case, a spend-down obligation shall be determined and the subsections in (C) of this Section below will apply.

3) A redetermination of eligibility will be made every 12 months.

## c) Eligibility with Spend-down for MANG (AABD) and MANG(C)

1) If the client's nonexempt income available during the applicable eligibility period is greater than the applicable MANG standard, and/or nonexempt assets are over the applicable asset disregard, the client must meet the spend-down obligation determined for the eligibility period before becoming eligible to receive medical assistance. The spend-down obligation is the sum of the amount by which the client's nonexempt income exceeds the MANG standard and the amount of nonexempt assets in excess of the applicable asset disregard.

2) The client meets the spend-down obligation by incurring or paying for medical expenses in an amount equal to the spend-down obligation.

A) Medical expenses shall be applied to the spend-down obligation in the following order:

- i) Charges for DORS Home Services and/or DMRDD Community Based Services. These charges are considered incurred the first day of the month, regardless of the day the services are actually provided.
- ii) Payments made for medical expenses within the previous six months. Payments are considered incurred the first day of the month of payment.
- iii) Unpaid medical expenses. These are considered as of

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the date of service and are applied in chronological order.

B) If multiple medical expenses are incurred on the same day, the expenses shall be applied in the following order:

- i) Health insurance deductibles (including Medicare and other co-insurance charges);<sup>7</sup>
- ii) All copayment charges incurred or paid on spend-down met day;<sup>7</sup>
- iii) Expenses for medical services and/or items not covered by the Department's Medical Assistance Program;<sup>7</sup>
- iv) Cost share amounts incurred for in-home care services by individuals receiving services through the Department on Aging (DORA);<sup>7</sup>
- v) Expenses incurred for in-home care services by individuals receiving or purchasing services from private providers;<sup>7</sup>
- vi) Expenses incurred for medical services or items covered by the Department's Medical Assistance Program. If more than one covered service is received on the day, the charges will be considered in order of amount. The bill for the smallest amount will be considered first.

C) If a service is provided during the eligibility period but payment may be a third party, such as a resource agency, the medical bill will be considered a spend-down until the bill is adjudicated. When adjudicated, that part determined to be the responsibility of the client shall be considered as incurred on the date of service.

3) After application for medical assistance for cases eligible with a spend-down obligation who do not have a QMB or MANG(P) member, an additional eligibility determination will be made.

A) If countable income is greater than the QMB income standard (Section 120.74) or countable assets are greater than the QMB asset disregard (Section 120.382(d)), the case will not be enrolled in spend-down unless:

- i) the case does not have a spend-down obligation for any month of the twelve-month enrollment period; <sup>7</sup> or
- ii) medical assistance expenses equal the spend-down obligation for at least one month of the twelve-month enrollment period; <sup>7</sup> or
- iii) the person is on a waiting list or would be on a waiting list to receive a transplant if not for a prior source.

B) Cases which meet any either of these conditions will be notified, in writing, of the spend-down obligation. The client will also be notified that his or her case will be reviewed beginning in the sixth month of the twelve-month enrollment period. If the client has not had medical

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eligibility in one of the last three months at the time of review (including the month of review), the case will terminate unless the case contains a person who is on a waiting list or who would be on a waiting list to receive a transplant if not for a major source. A at-which-time-a new application will be required if the client wishes continued medical assistance.

C) When proof of incurred medical expenses equal to the spend-down obligation is provided to the local office, eligibility for medical assistance shall begin effective the first day that the spend-down obligation is met. The Department will pay for covered covered services received from that date until the end of the eligibility period will be paid-for-by-the-Department. The client shall be responsible, directly to the provider, for payment for services provided prior to the time the client meets the spend-down obligation.

4) Cases with a spend-down obligation which do not have a QMW, a or MANG(P) member or a person on a waiting list or who would be on a waiting list to receive a transplant if not for a major source, will be reviewed beginning in the sixth month of enrollment to determine if they have had medical eligibility within the last three months, including the month of review. If so, enrollment will continue. If not, enrollment will be terminated and the client will be advised that if he or she wishes continued medical assistance, a reapplication must be filed. Upon reapplication, a new twelve-month enrollment period will be established, including new financial factors of eligibility will be created. If appropriate, a new spend-down obligation will be created.

A) If the client files a reapplication prior to four months after the end of the period of enrollment, the client will be sent through a special accelerated intake procedure making use of current case record material to verify factors of eligibility not subject to change.

B) Cases that remain eligible in the tenth month of the enrollment period or which have a QMW, a or MANG(P) member or a person on a waiting list or who would be on a waiting list to receive a transplant if not for a major source, will remain enrolled and will be redetermined once every 12 months.

5) The client is responsible for reporting to--report any changes that occur during the enrollment period which might affect eligibility for medical assistance. If changes occur, appropriate action shall be taken by the Department including termination of eligibility for medical assistance.

6) If changes in income, assets or family composition occur, appropriate adjustments to the spend-down obligation and date of eligibility for medical assistance shall be made by the

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Department. The client will be notified, in writing, of the new spend-down obligation.

A) If income decreases or assets fall below the applicable asset disregard, as a result, the client has already met the spend-down obligation, eligibility for medical assistance shall be back-dated to the appropriate date.

B) If income or assets increase and, as a result, the client has not produced proof of incurred medical expenses equal to the new spend-down obligation, the written notification of the new spend-down amount will also inform the client that he or she will no longer receive a MediPlan Card and eligibility for medical assistance will be interrupted until proof of medical expenses equal to the new spend-down obligation is produced.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 120.347 Treatment of Trusts

a) This Section applies to trusts established on or after August 11, 1993.

b) A trust is any arrangement in which a grantor transfers property to a trustee or trustees with the intention that it be held, managed or administered by the trustee or trustees for the benefit of the grantor or designated beneficiaries. A trust also includes any legal instrument or device that is similar to a trust, including an annuity.

c) A person shall be considered to have established a trust if assets of the person were used to form all or part of the principal of the trust and the trust is established (other than by will) by any of the following:

- 1) the person;
- 2) the person's spouse; or
- 3) any other person, including a court or administrative body, with legal authority to act on behalf of or at the direction of the person or the person's spouse.

d) This Section does not apply to the following trusts:

- 1) an irrevocable trust containing assets of a disabled person (as described in Section 120.314) under age 65 that is established by a parent, grandparent, legal guardian or court for the benefit of the disabled person, if language contained in the trust stipulates that any amount remaining in the trust (up to the amount expended by the Department on medical assistance) shall be paid to the Department upon the death of the person. This exclusion continues after the person reaches age 65 as long as the person continues to be disabled but any additions made by the person to the trust after age 65 will be treated as a transfer of assets under 89 Ill. Adm. Code 120.387. If the trust contains



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proceeds from a personal injury settlement, any Department charge (as described at 89 Ill. Adm. Code 102.260) must be satisfied in order for the trust to be excluded under this subsection; or

- 2) an irrevocable trust containing assets of a disabled person (as described in Section 120.314) that is established and managed by a non-profit association that pools funds but maintains a separate account for each beneficiary that is established by a disabled person, a parent, grandparent, legal guardian or court for the benefit of the disabled person, if language contained in the trust stipulates that any amount remaining in the trust (up to the amount expended by the Department on medical assistance) that is not retained by the trust shall be paid to the Department upon the death of the person.

e) Subsections (f) and (g) below apply to the portion of the trust attributable to the person and without regard to:

- 1) the purpose for establishment of the trust;
- 2) whether the trustee has or exercises any discretion under the trust; or

- 3) whether there are any restrictions on distributions or use of distributions from the trust.

f) For revocable trusts, the Department shall:

- 1) treat the principal as an available asset;

- 2) treat as income payments from the trust that are made to or for the benefit of the person; and the trust as transfers of assets by that person to the trust; and

- 3) treat any other payments from the trust as transfers of assets by that person to the trust; and the trust as transfers of assets by that person to the trust; and the Department shall:

g) For irrevocable trusts, the Department shall:

- 1) treat as an available asset the amount of the trust from which payment is to be made to or for the benefit of the person; and

- 2) treat as income payments from the trust that are made to or for the benefit of the person;

- 3) treat any other payments from the trust as transfers of assets by that person (subject to the provisions of Section 120.387); and

- 4) treat as a transfer of assets by the person the amount of the trust from which no payment could be made to the person under any circumstances (subject to the provisions of Section 120.387).

The date of the transfer is the date the trust was established or, if later, the date that payment to the person was foreclosed. The amount of the trust is determined by including any payments made from the trust after the date that payment to the person was foreclosed.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

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- 1) Heading of the Part: Medical Payment

- 2) Code Citation: 89 Ill. Adm. Code 140

- 3) Section Numbers:  
140.TABLE B

- 4) Proposed Action:  
Amendment

- 5) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

Complete Description of the Subjects and Issues Involved: Amendments are being proposed to TABLE B to redefine outdated Health Service Areas (HSAs) that have been utilized in rate setting for long term care services. The proposed amendments group counties into newly defined geographic areas, based upon unique labor force factors, which coordinate with the current reimbursement methodology. Modification of the Department's geographic classifications for long term care services was necessary for rates established July 1, 1996. These proposed amendments are being made in conjunction with adopted amendments to Sections 140.355, 140.560, 140.561 and 140.578 that were published on November 15, 1996, at 20 Ill. Reg. 14845, and adopted amendments to 89 Ill. Adm. Code 133 that were published on November 15, 1996, at 20 Ill. Reg. 14840. These proposed amendments will not result in any additional expenditures.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

- 7) Does this rulemaking contain an automatic renewal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.463	Amendment	December 27, 1996 (20 Ill. Reg. 16153)
140.569	Amendment	July 26, 1996 (20 Ill. Reg. 9810)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones  
Bureau of Rules and Regulations



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Illinois Department of Public Aid  
400 South Grand Ave., 2., 3rd Floor  
Springfield, IL 62762  
217/524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the five month period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because it was inadvertently omitted when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES  
CHAPTER 1: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER C: MEDICAL PROGRAMS

PART 140  
MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.4 Covered Medical Services Under General Assistance
- 140.5 Medical Assistance Not Covered
- 140.6 Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.7 Medical Assistance For Qualified Severely Impaired Individuals
- 140.8 Medical Assistance For a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.9 Medical Assistance Provided to Incarcerated Persons
- 140.10

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Application for Reinstatement of Individuals Associated with Vendor
- 140.19 Application, Participation or for Reinstatement Subsequent to Termination, Suspension or Barred
- 140.20 Submittal of Claims
- 140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
- 140.22 Magnetic Tape Billings
- 140.23 Payment of Claims
- 140.24 Payment Procedures
- 140.25 Overpayment or Underpayment of Claims
- 140.26 Payment to Factors Prohibited

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140.27 Assignment of Vendor Payments  
 140.28 Record Requirements for Medical Providers  
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 140.55 Recipient Eligibility Verification (REV) System  
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## SUBPART C: PROVIDER ASSESSMENTS

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 140.82 Developmentally Disabled Care Provider Fund  
 140.84 Long Term Care Provider Fund  
 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust  
 Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund  
 140.95 Hospital Services Trust Fund  
 140.96 General Requirements (Recodified)  
 140.97 Special Requirements (Recodified)  
 140.98 Covered Hospital Services (Recodified)  
 140.99 Hospital Services Not Covered (Recodified)  
 140.100 Limitation On Hospital Services (Recodified)  
 140.101 Transplants (Recodified)  
 140.102 Heart Transplants (Recodified)  
 140.103 Liver Transplants (Recodified)  
 140.104 Bone Marrow Transplants (Recodified)  
 140.110 Disproportionate Share Hospital Adjustments (Recodified)  
 140.111 Payment for Inpatient Services for GA (Recodified)  
 140.116 Hospital Outpatient and Clinic Services (Recodified)  
 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)  
 140.201 Payment for Hospital Services After June 30, 1982 (Recodified)  
 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)  
 140.203 Limits on Length of Stay by Diagnosis (Recodified)  
 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in  
 an Outpatient Setting (Recodified)  
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 140.365 Base Year Costs (Recodified)  
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 140.374 Alternatives (Recodified)  
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 140.390 Substance Alcoholism and Substance Abuse Services (Recodified)  
 140.391 Definitions (Recodified)  
 140.392 Types of Substance Alcoholism and Substance Abuse Services  
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 140.394 Payment for Substance Alcoholism and Substance Abuse  
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 140.396 Rate Appeals for Substance Alcoholism and Substance Abuse  
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 140.398 Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Continuation of Payment Because of Threat to Life (Repealed)
140.506	Provision of Payment Withdrawal
140.507	Cancellation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered by Department Payment
140.512	Utilization Control
140.513	Utilization Review Plan (Repealed)
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
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140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)
140.529	Reviews (Repealed)

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140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Rehabilitation Aide Training and Nursing Assistant Competency Evaluation
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
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140.569	Clients With Exceptional Care Needs
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140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Rates for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
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140.584	Illinois-Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.542	Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
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140.647	Description of Developmental Training (DT) Services
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140.680	Discharge of Long Term Care Residents
140.700	Appeals of Rate Determinations
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## SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section	General Description (Repealed)
140.850	Definition of Terms (Repealed)
140.855	Covered Services (Repealed)
140.860	Sponsor Qualifications (Repealed)
140.865	Sponsor Responsibilities (Repealed)
140.870	Department Responsibilities (Repealed)
140.875	Provider Qualifications (Repealed)
140.880	Provider Responsibilities (Repealed)
140.885	Payment Methodology (Repealed)
140.890	Contract Monitoring (Repealed)
140.895	Reimbursement for Program Costs
140.896	Long Term Care Facilities For the Developmentally Disabled (Recodified)

## SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.900	Functional Areas of Needs (Recodified)
140.901	Service Needs (Recodified)
140.902	Definitions (Recodified)
140.903	







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amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1994, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991; for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16166, effective October 22, 1994, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17793, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 352, effective February 13, 1992; amended at 16 Ill. Reg. 1006, effective March 1992; amended at 16 Ill. Reg. 8497, effective March 1, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 11842, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 20, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment

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repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2833, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15652, effective November 6, 1995; amended at 20 Ill. Reg. 1210, effective December 20, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5636, effective April 11, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 8031, effective May 31, 1996; amended at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; amended at 21 Ill. Reg.



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**Section 140. TABLE B Geographic Areas Health-Service-Areas**

These geographic areas define boundaries, according to counties, that are used in rate settings for long term care facilities. Geographic areas are referenced in Sections 140.555, 140.560, 140.561 and 140.578.

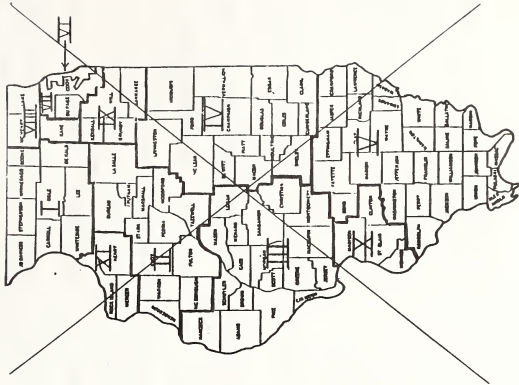
- a) North Suburb - Kane, Lake and McHenry.
- b) Chicago 1 - City of Chicago.
- c) Chicago 2 - Cook (other than Chicago and DuPage).
- d) South Suburb - Grundy, Kankakee, Kendall and Will.
- e) South 1 - Alexander, Clay, Crawford, Edward, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Perry, Pope, Pulaski, Randolph, Richland, Saline, Union, Wabash, Washington, Wayne, White and Williamson.
- f) South 2 - Bond, Clinton, Madison, Monroe and St. Clair.
- g) Central 1 - Bureau, Fulton, Henderson, Knox, LaSalle, Marshall, McDonough, Peoria, Putnam, Stark, Tazewell, Warren and Woodford.
- h) Central 2 - Adams, Brown, Calhoun, Cass, Christian, Greene, Hancock, Jersey, Logan, Macoupin, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler and Scott.
- i) Central 3 - Champaign, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Ford, Iroquois, Livingston, Macon, McLean, Moultrie, Piatt, Shelby and Vermilion.
- j) Northwest 1 - Boone, Carroll, DeKalb, Jo Daviess, Lee, Ogle, Stephenson, Whiteside and Winnebago.
- k) Northwest 2 - Henry, Mercer and Rock Island.

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## GRAPHIC MATERIAL

See printed copy of IAC for detail

**Section 140. Table B (continued)**

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(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Numbers: 1040.32  
Proposed Action: Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)] and the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6].
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking is being amended to include language amendments due to the passage of new legislation.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.
- 11) Time, Place and manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Mark A. Novak

Assistant Counsel to the Secretary  
2701 S. Dirksen Parkway  
Springfield, IL 62723  
217/782-5356

- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

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- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997  
The full text of the proposed rule begins on the next page.

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TITLE 92: TRANSPORTATION  
CHAPTER 11: SECRETARY OF STATE

## PART 1040

## CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Section	
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.30	3 or More Traffic Offenses Committed Within 12 Months
1040.31	Operating A Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.35	Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction
1040.38	Commission of a Traffic Offense in Another State
1040.40	Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew Violations
1040.42	Fleeing and Eluding
1040.43	Illegal Transportation
1040.46	Fatal Accident and Personal Injury Suspensions or Revocations
1040.48	Vehicle Emission Suspensions
1040.50	Suspension or Revocation of a License of Commercial Vehicle Driver
1040.55	Suspension or Revocation for Driver's License Classification Violation
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit
1040.70	National Driver Register
1040.80	Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
1040.100	Rescissions
1040.101	Reinstatement Fees
1040.102	Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 9 Ill. Reg. 23185, effective November 21, 1984;

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amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5381, effective April 13, 1990; amended at 14 Ill. Reg. 14177, effective August 22, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8342, effective May 27, 1991; amended at 17 Ill. Reg. 9026, effective June 21, 1993; amended at 17 Ill. Reg. 12781, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 1084, effective May 18, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2550, effective January 26, 1996; amended at 21 Ill. Reg. \_\_\_\_\_.

#### Section 1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently

a) For purposes of this Section, the following definitions shall apply:

"Amnesty" - a sovereign act of forgiveness for past acts granted by a government to all persons (or to certain persons) generally conditioned upon their return to obedience and duty within a prescribed time as recognized by the Immigration Reform and Control Act of 1986. (P.L. 99-603.)

"Department" - Driver Services Department within the Office of the Secretary of State.

"Driver's License or Permit" - document which permits a person to legally operate a motor vehicle. Includes a restricted driving permit, a judicial driving permit, instruction permit, a traffic ticket issued where the person's driver's license is deposited in lieu of bail, a suspension notice in which the suspension is not yet effective, a duplicate or corrected driver's license, a temporary instruction permit, or temporary driver's license, or a probationary driver's license.

"False Information" - any information concerning the name, sex,

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date of birth, social security number or any photograph that falsifies all or in part the actual identity of the individual issued the driver's license, permit or identification card.

"Fictitious Driver's License or Permit" - any issued driver's license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction which contains false information concerning the identity of the individual issued the driver's license or permit.

"Fictitious Identification Card" - any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that contains false information concerning the identity of the individual issued the identification card.

"Fraudulent Driver's License or Permit" - any driver's license or permit which purports to be an official driver's license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction.

"Fraudulent Identification Card" - any identification card which purports to be an official identification card which resembles an identification card--or--Illinois-Disabled-Person-Identification Card for which a computerized number and file have not been created by the Secretary of State, the United States Government or any state or political subdivision thereof, or any governmental or quasi-governmental organization. For the purpose of this paragraph, any identification card which resembles an official identification card Illinois-Disabled-Person-Identification Card Illinois-Disabled-Person-Identification Card in either size, color, or photograph location, or design, or uses the word "official", or "state", or "Illinois", or the name of any other state or political subdivision thereof, or any governmental or quasi-governmental organization individually or in any combination thereof to describe or modify the term "identification card" or "I.D. card" anywhere on the card, or uses a shape in the likeness of the Illinois or any other state on the photograph side of the card, is deemed to be a fraudulent identification card an identification card which purports to be an official Illinois-Disabled-Person-Identification Card--or--Illinois-Disabled-Person-Identification Card.

"Identification Card" - any document made or issued by or under

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the authority of the United States Government, the State of Illinois, or any other state or political subdivision thereof, or any governmental or quasi-governmental organization that, upon issue contains information concerning the individual, is of the type intended or commonly accepted for the purpose of identifying the individual in accordance with Section 14(a-5) of the Illinois Identification Card Act (15 ILCS 335/14(a-5)). "Identification Card"---a standard--Illinois--Identification--Card--or--Disability--Identification--Card--issued-by-the-Secretary--of--State--in accordance with Section 4 of the Illinois Identification Card Act (15 ILCS 335/4);

"Revocation" - The termination by formal action of the Secretary of a person's driver's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new driver's license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation as defined in Section 1-17/6 of the Illinois Vehicle Code (625 ILCS 5/1-17/6).

"Suspension" - The temporary withdrawal by a formal action of the Secretary of a person's driver's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary pursuant to Section 1-204 of the Illinois Vehicle Code.

"Unlawfully Altered Driver's License, Permit or Identification Card" - any issued driver's license, permit or identification card for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction which has been physically altered or changed in such a manner that false information appears upon the driver's license or permit.

b) The Secretary of State has discretionary authority to suspend or revoke the driving privileges of any person upon receipt of evidence that such person has committed one or more of the following offenses listed in Section 6-206 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/6-206).

1) If such person has permitted an unlawful use of driver's license, identification card, or permit by allowing another person to use said license, identification card or permit, the Department shall take the following action pursuant to Section 6-206(a)(5) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

## ACTION TABLE

1st offense  
12-month Suspension  
1st offense (with pending  
Revocation

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or effective Revocation)  
2nd or subsequent offense  
Revocation; or

2) If such person has made a false statement or made any false affidavit or has knowingly concealed or affirmed falsely to a material fact or used false information or identification in an application for a driver's license, identification card or permit, the Department shall take the following action pursuant to Section 6-206(a)(9) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

## ACTION TABLE

1st offense  
12-month Suspension  
1st offense (with pending  
Revocation  
2nd or subsequent offense  
Revocation; or

3) If such person has possessed, displayed or attempted to fraudulently use any driver's license, identification card, or permit not issued to such person, the Department shall take the following action pursuant to Section 6-206(a)(10) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

## ACTION TABLE

1st offense  
12-month Suspension  
1st offense (with pending  
Revocation  
2nd or subsequent offense  
Revocation; or

4) If such person has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a driver's license, identification card or permit for some other person, the Department shall take the following action pursuant to Section 6-206(a)(12) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

## ACTION TABLE

1st offense  
12-month Suspension  
1st offense (with pending  
Revocation  
2nd or subsequent offense  
Revocation; or

5) If such person has violated Sections 6-301, 6-301.1 or 6-301.2 of the Illinois Vehicle Code or Section 14, 14a or 14b of the Illinois Identification Card Act, the Department shall take action appropriate for the violation committed pursuant to

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Section 6-206 of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

A) Unlawful use of driver's license, permit or identification card or permit: If such person has displayed or caused to be displayed or had in his possession any cancelled, revoked or suspended driver's license, permit or identification card or permit; allowed unlawful use of driver's license, permit or identification card or permit; lent his driver's license, permit or identification card or permit to any other person or knowingly allowed the use thereof by another; or displayed or represented as his own any driver's license, or permit or identification card issued to another, the Department shall take the following action pursuant to Section 6-301.1 of the Illinois Driver Licensing Law of the Illinois Vehicle Code or Section 14 of the Illinois Identification Card Act:

ACTION TABLE

1st offense 12-month Suspension  
1st offense (with pending license or effective Revocation)  
2nd or subsequent offense Revocation; or

B) Fictitious or unlawfully altered driver's license, identification card or permit: If such person has knowingly possessed or displayed any fictitious or unlawfully altered driver's license, identification card or permit; knowingly issued or assisted in the issuance of a fictitious driver's license, identification card or permit; or knowingly manufactured, possessed, transferred or provided any identification document for the purpose of obtaining a fictitious driver's license, identification card or permit, the Department shall take the following action pursuant to Section 6-301.1 of the Illinois Driver Licensing Law of the Illinois Vehicle Code or Section 14 of the Illinois Identification Card Act:

ACTION TABLE

1st or subsequent offense Revocation; or

C) Fraudulent driver's license or permit: If such person has knowingly possessed, displayed or caused to be displayed any fraudulent driver's license, identification card or permit; knowingly possessed or transferred any fraudulently duplicated, manufactured, sold or transferred any fraudulent driver's license, identification card or permit, the Department shall take the following action pursuant to Section 6-301.2 of the

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Illinois Driver Licensing Law of the Illinois Vehicle Code or Section 14 of the Illinois Identification Card Act:

ACTION TABLE

1st or subsequent offense Revocation; or

6) If such person has permitted another person to use any form of such person's identification in the application process to obtain a driver's license, identification card or permit, the Department shall take the following action pursuant to Section 6-206(a)(35) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

ACTION TABLE

1st offense 12-month Suspension  
1st offense (with pending license or effective Revocation)  
2nd or subsequent offense Revocation; or

7) If such person has unlawfully altered or attempted to alter or possessed an altered driver's license, identification card, or permit, the Department shall take the following action pursuant to Section 6-206(a)(26) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

ACTION TABLE

1st offense 12-month Suspension  
1st offense (with pending license or effective Revocation)  
2nd or subsequent offense Revocation; or

8) If such person has violated Section 6-16 of the Liquor Control Act of 1934 (235 ILCS 5/6-16), the Department shall take the following action pursuant to Section 6-206(a)(27) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

ACTION TABLE

1st offense 12-month Suspension  
1st offense (with pending license or effective Revocation)  
2nd or subsequent offense Revocation.

c) The sources of acceptable proof of the offenses described in subsection (b) above are court documents, driver services facility application documents, entity documents, and law enforcement correspondence/reports.  
d) Persons who have applied for federal amnesty pursuant to the Immigration Reform and Control Act of 1986 (P.L. 99-603) shall not be

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

suspended or revoked under subsection (b) of this Section if they show proof to the Department that they have applied for federal amnesty, unless they are otherwise ineligible to be licensed as drivers or granted a permit, as provided by Section 6-103 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. Proof shall be the application documents for federal amnesty issued by the Immigration and Naturalization Service verifying that the individual has applied for federal amnesty. If an individual seeking federal amnesty has previously been found by the Department to be in violation of this Section or if the Department receives a report from individuals or agencies listed in subsection (c) of this Section that a person applying for federal amnesty has been convicted of committing a criminal act involving the use of their identification card, driver's license or permit in violation of the Criminal Code of 1961 [720 ILCS 5], his or her driving privileges shall be suspended or revoked by the Department in accordance with subsection (b) of this Section.

- e) The Director of the Department shall rescind a suspension or revocation or reduce the period of a suspension for fraudulent activity if the Office of the Inspector General provides the Director with sufficient evidence demonstrating the person has cooperated in the course of an official investigation regarding the sale, manufacture, issuance or receipt of a fraudulent identification card. Cooperation will be defined as identification of sufficient evidence signed by the supervising official of the Office of the Inspector General. Whether the person cooperated in an investigation will be determined by the Office of the Inspector General.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Regulations under Illinois Securities Law of 1953
- 2) Code Citation: 14 Ill. Adm. Code 130
- 3) Section Numbers: Proposed Action:  
130.826 Amend
- 4) Statutory Authority: 815 ILCS 5
- 5) A Complete Description of the Subjects and Issues Involved: Section 130.826 is amended to conform the Illinois minimum net capital requirements of registered dealers to those of the current federal requirements.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? Yes
- 9) Are there any other proposed rulemakings pending on this Part? Yes
- 10) Statement of Statewide Policy Objectives: The proposed amendment will conform the Illinois minimum net capital requirements of registered dealers to the current federal standards required by the Securities and Exchange Commission.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All comments must be in writing and directed to:

Theresa R. Oxtoby  
Illinois Securities Department  
520 South Second Street  
Springfield, IL 62701  
(217) 782-2256

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small securities dealers will be required to maintain minimum net capital in accordance with the current federal requirement.

B) Reporting, bookkeeping or other procedures required for compliance: Small securities dealers will be required to maintain minimum net capital and make and retain net capital computations.



## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

- C) Types of professional skills necessary for compliance; Skills necessary to complete the minimum net capital requirement and to record and preserve the computations as part of its books and records.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendment begins on the next page:

## ILLINOIS REGISTER

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

TITLE 14: COMMERCE  
SUBTITLE A: REGULATION OF BUSINESS  
CHAPTER I: SECRETARY OF STATE

## PART 130

## REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

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Business Hours of the Securities Department  
Computation of Time  
Payment of Fees  
Place of Filing  
Date of Filing  
Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD  
Requirements as to Proper Form  
Additional Information  
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Requirements as to Paper, Printing, and Language  
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Provisions for Granting of Variance from Rules

## SUBPART B: DEFINITIONS

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130.201  
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130.205  
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Definitions of Terms Used in the Act and the Rules  
Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act  
Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Rights or Royalties  
Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties  
Definition of Acts Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act  
Definition of Acts Not Constituting an "Offer" of Securities under Section 5, 6 or 7 of the Act  
Definition of "Commission From an Underwriter or Dealer Not in Excess of the Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions  
Definition of "Participates" and "Participation", as Used in Section 2.6 of the Act in Relation to Certain Transactions  
Definition of "Regularly Engaged in Securities Sales Activities", as

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Used in Section 2.9 of the Act  
 Exclusion of Certain Persons from the Definition of Investment  
 130.221 Adviser in Section 2.11 of the Act  
 130.225 Definition of "Investment Fund Shares", as Used in Section 2.15 of the Act in Relation to Certain Issuers  
 130.233 Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(I) of the Act "Employee Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act  
 130.235 Definition For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act  
 130.241 Definition of the Term "Institutional Investor" under Sections 4C and 4D of the Act  
 130.242 Definition of the Term "Financial Institution" under Sections 4C and 4D of the Act  
 130.244 Definition of "Issuer Required to File Reports Pursuant to the Provisions of Section 13 or Section 15(d) of the Federal 1934 Act" with Respect to Certain Foreign Private Issuers and "Reports Required to be Filed at Regular Intervals Pursuant to the Provisions of Section 13 or Section 15(d)" as Used in Section 4(P)(1) of the Act  
 130.245 Definition of the Terms "Balance Sheet" and "Income Statement", as Used in Section 4.F of the Act  
 130.246 Definition of the Terms "Residents of this State", "Aggregate Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4(G) of the Act and "General Advertising or General Solicitation" Under Sections 4(G), 4(H), 4(M) and 4(R) of the Act  
 130.247 Definition of the Term "Public" as Used in Section 4(G)(4) of the Act  
 130.248 Definition of the Terms "Offers for Sale" and "Solicitations of Offers to Buy", as Used in Section 4.L of the Act  
 130.250 Definition, For Certain Purposes, of the Terms "Commissions, Remuneration or Discounts", as Used in Section 4 and Section 5 of the Act  
 130.251 Definition of the Term "Maximum Aggregate Price", as Used in Section 4 of the Act  
 130.270 Definition of Certain Persons Not Considered to be Dealers Under Section 2.7 of the Act  
 130.280 Definition of the Term "Branch Office", as Used in Section 8 of the Act  
 130.282 Definition, For Certain Purposes, of the Term "Officers", as Used in Section 2.9 and Section 8.B.(6) of the Act  
 130.285 Definition, For Certain Purposes, of the Terms "Inequitable", "Tend to Work a Fraud or Deceit", "Inequitable Practice in the Sale of Securities", and "Fraudulent Business Practices", as Used in Section

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B and Section 11 of the Act  
 Definition of the Terms "Fraudulent" and "Work or Tend to Work a Fraud or Deceit" as Used in Sections 11.E and 12. of the Act for Purposes of the Payment of Completion Costs in Connection with the Offer or Sale of Securities Involving an Oil, Gas or Other Mineral Lease, Right or Royalty  
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 SUBPART C: EXEMPT SECURITIES  
 Automated Quotation System Deemed to Have Substantially Equivalent Standards for Designation as Required By One or More Exchanges Set Forth in Section 3(G) of the Act (Repealed)  
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 130.436  
 Procedures for Filing Reports of Sale under Section 4(G) of the Act  
 130.440  
 Calculation of Number of Persons Under Section 4.G or 4.M of the Act  
 130.441  
 Report of Sale of Securities pursuant to Section 4(G) of the Act  
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 Procedures for Filing Reports of Sale under Section 4.P of the Act  
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 130.491  
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 130.502  
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 130.503  
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 130.506  
 Consents Required in Special Cases  
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 Application to Dispense with Consent  
 130.508  
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 130.510  
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 130.520  
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 130.525  
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 130.530  
 Renewal of Registration of Securities Under Section 5(E) of the Act  
 130.531  
 Computation of Fees  
 130.532  
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130.533 Formal Requirements for Amendments Under Section 5 of the Act  
 130.534 Powers to Amend or Withdraw Registration Statement  
 130.535 Signatures of Amendments  
 130.536 Delaying Amendments  
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 130.540 Procedure with Respect to Abandoning Registration Statements, Applications for Trading Authorizations and Post-Effective Amendments  
 130.550 Additional Fees Under Section 5 of the Act  
 130.570 Legibility of Prospectuses  
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 130.573 Preparation of Application for Registration  
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 130.578 Application of Amendments to this Part Governing Contents of Prospectuses  
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 130.610 Procedures for Registration of Face Amount Certificate Contracts by Coordination under Section 6.A of the Act  
 130.630 Renewal of Registration of Face Amount Certificate Contracts Under Section 6(F) of the Act  
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Section  
 130.700 Preamble  
 130.701 Title of Investment Fund Shares Registered Under Section 5 or 7 of the Act  
 130.710 Procedures for Registration of Investment Fund Shares by Coordination under Section 7.A of the Act  
 130.715 Amended Statement for the Registration of Additional Class or

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Classes of the Reporting of a Change in Organization or Operations Pursuant to Section 7(D) of the Act  
 130.730 Renewal of Registration of Investment Fund Shares Under Section 7(G) of the Act  
 130.750 Additional Fees Under Section 7 of the Act  
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 130.810 Procedures for Registration as a Dealer Under Section 8.B of the Act  
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 130.820 Procedure for Renewal and Withdrawal from Registration as a Dealer  
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 130.823 Procedure for Requesting Waiver of Dealer, Salesperson or Investment Adviser Examination Requirements  
 130.824 Financial Statements to be Filed by a Registered Dealer  
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 130.826 Registered Dealer Net Capital Requirement  
 130.827 Confirmations  
 130.828 Notice of Materially Adverse Financial Condition Required to be Filed with the Securities Department By a Registered Dealer  
 130.829 Investor Protection Requirement of a Dealer Registered Under Section 8 of the Act  
 130.832 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8(C)(7) of the Act for Registration as a Salesperson  
 130.840 Procedures for Registration as an Investment Adviser Under Section 8.D of the Act  
 130.841 Reporting of Investment Adviser Branch Office Location(s) and Required Fees  
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 130.844 Statement of Financial Condition to be Filed by a Registered Investment Adviser Which Retains Custody of Client's Cash or Securities or Accepts Pre-Payment of Fees in Excess of \$500.00 Per Client and Six (6) or More Months in Advance and Interim Financial Statements  
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Financial and Disciplinary Information That Investment Advisers Must Disclose to Clients  
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 130-1101 Qualifications and Duties of the Hearing Officer  
 130-1102 Notice of Hearing  
 130-1103 Institution of a Contested Case by the Securities Department  
 130-1104 Requirement to File an Answer  
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 130-1110 Motions  
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 130-1115 Discovery  
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## NOTICE OF PROPOSED AMENDMENT

130-1129 Application for Hearing to Present Newly Discovered Evidence  
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Section  
 130-1520 Request for Non-Binding Statements

## SUBPART P: SAVINGS PROVISIONS

Section  
 130-1661 Investors Syndicate of America, Inc.  
 130-1662 State Bond and Mortgage Company

## SUBPART Q: PUBLIC INFORMATION

Section  
 130-1701 Inspection of Applications  
 130-1702 Inspection of Dealer, Salesperson and Investment Adviser Records  
 130-1703 Non-Public Distribution of Information

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 (815 ILCS 5).

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 12674, effective May 19, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17477, effective December 31, 1983, for a maximum of 150 days; emergency expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984; emergency repealer at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10753, effective June 3, 1986; refiled at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 20 Ill. Reg. 14185, effective October 21, 1996; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS

Section 130-826 Registered Dealer Net Capital Requirements

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

## NOTICE OF PROPOSED AMENDMENT

a) Each dealer registered under Section 8 of the Act shall at all times have and maintain net capital no less than the greater of the higher minimum requirement applicable to its ratio requirement under 17 CFR 240.15c3-1 as in effect on January 1, 1997 (no subsequent amendments or editions). No dealer electing to use the alternative standard shall permit its net capital to be less than the greater of the amount set forth in 17 CFR 240.15c3-1 as in effect on January 1, 1997 (no subsequent amendments or editions) or 2 percent of the aggregate debit items computed in accordance with 17 CFR 240.15c3-3 as in effect on January 1, 1997 (no subsequent amendments or editions).

a) No registered dealer shall permit its aggregate indebtedness to all other persons to exceed 1500% of its net capital unless it meets the conditions of and elects to utilize the alternative method for computation set forth in 17 CFR 240.15c3-1 as in effect on July 1, 1999 (no subsequent amendments or editions). No dealer electing to use such alternative method shall permit its net capital to fall below two (2) percent of aggregate debit items as computed in accordance with 17 CFR 240.15c3-3 as in effect on July 1, 1999 (no subsequent amendments or editions). In addition to meeting the requirement set forth in subsection (a) of this Section, a dealer subject to the aggregate indebtedness standard set forth in net capital computation shall maintain the amount specified in 17 CFR 240.15c3-1 as in effect on January 1, 1997 (no subsequent amendments or editions).<sup>1</sup>

b) If engaged in a general securities business (that is, a securities business that is not described in subsection (a) of 17 CFR 240.15c3-1) in all cases maintain net capital of not less than 95% of net equity.

c) If the dealer does not hold funds or securities for or owe money or securities to customers and does not carry accounts for or serve customers (except as described in 17 CFR 240.15c3-1(f)(2)(v)) as in effect on July 1, 1999 (no subsequent amendments or editions) and otherwise meets the conditions of and limits its securities activities to those described in 17 CFR 240.15c3-1(f)(3) as in effect on July 1, 1999 (no subsequent amendments or editions) in all cases maintain minimum net capital of not less than 95% of net equity.

d) If the dealer is engaged in the manner described in 17 CFR 240.15c3-1(f)(3) as in effect on July 1, 1999 (no subsequent amendments or editions) in transactions in redeemable shares of registered investment companies and of interests or participations in an insurance company separate account and certain related transactions described in 17 CFR 240.15c3-1(f)(3) as in effect on July 1, 1999 (no subsequent amendments or editions) in all cases maintain net capital of not less than 95% of net equity and

e) If the dealer acts as a market maker in all cases maintain net capital of not less than the greater of 95% of net equity or

per security in which the dealer makes a market (unless a security in which the dealer makes a market has a market value of 95% or less in which event the amount of net capital shall be not less than \$500,000 for each such security) based on the average number of such markets made by such dealer during the 30 days immediately preceding the computation date except that no dealer shall be required by virtue of this subsection (f) to maintain net capital in excess of \$100,000.00.

e) A dealer electing to utilize the alternative method for computation set forth in 17 CFR 240.15c3-1(f) as in effect on July 1, 1999 (no subsequent amendments or editions) shall in addition to meeting the requirement set forth in subsection (a) of this Section maintain net capital of not less than \$100,000.00 or in the case of a dealer effecting transactions solely in municipal securities of not less than \$50,000.00.

f) Each dealer shall make the applicable computations set forth in subsections (a) through (f) of this Section in accordance with the provisions of 17 CFR 240.15c3-3 in effect on January 1, 1997 (no subsequent amendments or editions) not less than monthly and shall preserve such computations as part of the records required by Section 10.825 of this Part.

g) A registered dealer which holds funds or securities for or owes money or securities to customers and carries accounts for or serves customers (except for those granted under the provisions of 17 CFR 240.15c3-1(f)(2)(v)) as in effect on July 1, 1999 (no subsequent amendments or editions) shall meet the provisions of 17 CFR 240.15c3-3 as in effect on July 1, 1999 (no subsequent amendments or editions) unless otherwise exempt pursuant to the provisions thereunder.

h) For the purpose of this Section and to insure uniform interpretation the terms "aggregate indebtedness" and "net capital" of a dealer shall be computed as set out in 17 CFR 240.15c3-1 or 240.15c3-3(a) as in effect on July 1, 1999 (no subsequent amendments or editions). For the purpose of this Section the terms "general securities business" and "market maker" shall be defined as set forth in 17 CFR 240.15c3-1 as in effect on July 1, 1999 (no subsequent amendments or editions).

i) The Secretary may exempt a dealer from the requirements of this Section because of the special nature of business or financial position of the dealer and the safeguards that have been established for the protection of customers' funds and securities, it is not necessary in the public interest or for the protection of investors for the dealer to be subject to the requirements of this Section.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## BOARD OF TRUSTEES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Joint Rules of the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Western Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Northwestern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Northern Illinois University, and the Board of Trustees of Illinois State University: Procurement and Bidding

2) Code Citation: 44 Ill. Adm. Code 525

3) Section Numbers:Proposed Action:

Amendment 525-10  
 Amendment 525-20  
 Amendment 525-50  
 Amendment 525-60  
 Amendment 525-70  
 Amendment 525-100  
 Amendment 525-110  
 Amendment 525-300  
 Amendment 525-320  
 Amendment 525-330  
 Amendment 525-400  
 Amendment 525-410  
 Amendment 525-500  
 Amendment 525-510  
 Amendment 525-530  
 Amendment 525-540  
 Amendment 525-600  
 Amendment 525-630  
 Amendment 525-670  
 Amendment 525-700  
 Amendment 525-720  
 Repeal

4) Statutory Authority: 30 ILCS 505/6

5) A Complete Description of the Subjects and Issues Involved: These procurement and bidding regulations have not been amended since 1989 and no longer reflect current State law or business practices. This rulemaking seeks to update these regulations so they comport with State law and the business practices at the State colleges and universities.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
 No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes

## BOARD OF TRUSTEES

## NOTICE OF PROPOSED AMENDMENTS

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed amendments may be submitted in writing for a period of 30 days following publication of this notice in the *Illinois Register* to:

Robert C. Baker  
 Director of IPBEC Purchasing  
 University of Illinois at Urbana-Champaign  
 Purchasing Division  
 508 S. Wright St., Rm. 207  
 Urbana, IL 61801  
 217-333-3582  
 FAX: 217-244-7879  
 E-MAIL: rbaker@uiuc.edu

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: These proposed amendments may impact those small businesses and not-for-profit corporations that seek to do business with the State universities that are promulgating these regulations.

B) Reporting, bookkeeping, or other procedures required for compliance: These proposed amendments to the regulations attempt to clarify existing State laws and regulations and not add to the reporting and bookkeeping regulations according to State law.

C) Types of professional skills necessary for compliance: Managerial skills.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent regulatory agendas because: The universities have worked through a Cooperative, the Illinois Public Higher Education Cooperative (IPBEC), in amending these regulations. No single university, as a member of this Cooperative, took the responsibility to report this proposed rulemaking on its regulatory agenda. The IPBEC, since it is not an agency, does not submit a regulatory agenda to the Secretary of State.

The full text of the Proposed Amendment(s) begins on the next page:

BOARD OF TRUSTEES

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND  
PROPERTY MANAGEMENT  
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES  
CHAPTER 11: BOARD OF TRUSTEES RESNITS

PART 525

JOINT RULES OF THE BOARD-OF-TRUSTEES, THE BOARD-OF-GOVERNORS-OF  
STATE-COLLEGES-AND-UNIVERSITIES, THE BOARD  
OF TRUSTEES OF THE UNIVERSITY OF  
ILLINOIS, AND THE BOARD OF TRUSTEES OF  
SOUTHERN ILLINOIS UNIVERSITY, THE BOARD  
OF TRUSTEES OF EASTERN ILLINOIS UNIVERSITY,  
THE BOARD OF TRUSTEES OF WESTERN ILLINOIS  
UNIVERSITY, THE BOARD OF TRUSTEES OF GOVERNORS  
STATE UNIVERSITY, THE BOARD OF TRUSTEES  
OF NORTHEASTERN ILLINOIS UNIVERSITY, THE BOARD OF  
TRUSTEES OF CHICAGO STATE UNIVERSITY,  
THE BOARD OF TRUSTEES OF NORTHERN  
ILLINOIS UNIVERSITY, AND THE BOARD OF TRUSTEES  
OF ILLINOIS STATE UNIVERSITY:  
PROCUREMENT AND BIDDING

SUBPART A: AUTHORITY AND DEFINITIONS

Section  
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525.10 Authority  
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AUTHORITY: Implementing and authorized by the Illinois Purchasing Act [30 ILCS 505].

SOURCE: Filed June 10, 1975; amended at 7 Ill. Reg. 7100, effective June 1, 1983; codified at 8 Ill. Reg. 19827; amended at 13 Ill. Reg. 16510, effective October 10, 1989; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.



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## SUBPART A: AUTHORITY AND DEFINITIONS

## Section 525.10 Authority

This Part is promulgated by the following governing Boards of the State of Illinois: the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Western Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Northwestern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Northern Illinois University, and the Board of Trustees of Illinois State University. The Board of Governors of State Colleges and Universities and the Board of Governors of State Universities and Colleges are designated individually as "universities" and collectively as "State Systems Universities" in accordance with the provisions of the Illinois Purchasing Act (the Act) [30 ILCS 505]. (1111-Rev-Stat-1997-chr-1977-pars-1927-et-seq) This Part may be amended in accordance with the Illinois Administrative Procedure Act [5 ILCS 100]. (1111-Rev-Stat-1997-chr-1977-pars-1927-et-seq)

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 525.20 Definitions

Bid. "Bid" shall mean an offer to contract with the University.

Bid information. "Bid information" shall be the material or requirements supplied to prospective bidders by a University to enable them to bid on proposed University contracts.

Bidder. "Bidder" means any person who submits a bid for a contract with the University.

Cash discount. "Cash discount" is a discount or an allowance deductible from the total amount of the invoice for payment within a specified number of days.

Contractor. "Contractor" shall mean a bidder whose bid has been accepted by the University.

F.O.B. "F.O.B." shall mean free on board.

Person. "Person" means and includes any individual, firm, partnership, corporation, association or other entity.

Purchasing official. "Purchasing official" means the person or persons to whom the governing Board of the respective University has

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delegated the authority to take the action specified.

Quantity discount. "Quantity discount" is a discount allowed by the bidder for specified quantities of the item.

Trade discount. "Trade discount" is a special discount allowed by the bidder to special classes of purchases.

University. "University" shall mean a governing Board identified in Section 525.10 of this Part, or its authorized representative, which issues bid information relating to a particular transaction.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: METHODS OF PROCUREMENT

## Section 525.50 General

The principles of competitive bidding and economical procurement practice shall apply to all purchases and contracts by or for the State Systems Universities in Illinois, except as otherwise provided by law or this Part.

a) A competitive procurement is one in which more than one potential vendor is contacted. Given information describing the University's needs and any conditions that must be observed, and asked to respond with a priced quotation to meet those needs and conditions. Such information will be evaluated with the intent of selecting the vendor whose goods or services best meet the needs of the University, price and other factors being considered.

b) Except for those procurements identified in Section 525.700 of this Part which are exempt from the use of competitive procurement procedures, awards are to be made to the lowest responsible bidder meeting needs and conditions.

c) Any of the procedures described in Section 525.60 of this Part, except negotiation with one vendor, are examples of competitive procurements and may be used to conduct competitive procurements.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 525.60 Procedures for Source Selection

a) Sealed Bids. Sealed bids will be requested if the proposed contract is estimated to be \$55000 or more, except in those instances where it will be opened by public on a designated day and hour, except as otherwise provided herein.

b) Open Bids. For contracts estimated to be less than \$55000, or when

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otherwise authorized by law, open bids may be requested. Open bids shall be made by the bidder in the manner specified in the bid information.

- c) Sealed Proposals: This method may be used when specifications do not provide a basis for an award based solely on price or when features are difficult to compare directly. Sealed proposals will be submitted in writing in the manner specified in the bid information. Proposals will be opened and awarded to the bidder with the lowest price and will be evaluated on the basis of specific such criteria considering price and other factors.
- d) Negotiation: When a competitive procedure bid or proposal is not required by the Act or this Part and when it is determined that a negotiated procurement is more practicable or will result in advantage to the University, negotiations may be conducted with one or more vendors. (For example, a negotiated procurement is considered to be practicable when the purchasing official determines based upon knowledge of market conditions, that the time and expense required to conduct such negotiations will be economically advantageous in terms of the expenditure of time and University resources.) Award will be made to the vendor best meeting the University's needs.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 525.70 How Competition is Bids are Solicited by the University

- a) Newspaper advertisements. The Except-as-exempted-by-the-Act-the University shall with advertise for sealed bids and sealed proposals in the official newspaper of the State of Illinois bids when purchasing services, commodities or equipment using competitive selection procedures with an estimated value of \$50,000 or more. The advertisement will give full details as to where additional information can be obtained and the time and place of the bid opening. The advertisement will appear in the official State newspaper except that, in the case of repair and maintenance work estimated at more than \$75,000 but not exceeding \$150,000, the advertisement will appear in a local newspaper selected by the purchasing official.

- b) Bid information. When the University intends to purchase services, commodities or equipment, it will send out bid information to those persons who are on the appropriate bidders list and to any other persons identified to the purchasing official as a prospective bidder, except in the following cases.
- When the bidder does not sell the particular service, commodity or equipment.
  - When competitive selection procedures are bidding is not required by the Act.

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2) The bid information will include:

- Specifications or descriptions.
- Quantity.
- Any installation, maintenance or repair service to be provided.
- Delivery requirements or date for completion of services.
- Any other terms or conditions which the University may require bidders to meet.
- Bid information normally will be mailed, except that, in unusual circumstances, it may be communicated by telephone or in electronically transmitted form. For example, unusual circumstances are those that would prevent a bidder from hand carrying or mailing the original copy of the bid information in time for it to be received prior to the bid opening deadline.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: ELIGIBILITY TO BID

## Section 525.100 Bidders List for Contracts

- a) How to apply to be placed on bidders list. Bidders lists are maintained for various service, commodity and equipment classifications. To be have its name included on a bidders list, a person should submit a request to the purchasing official indicating the types of services, commodities or equipment for which bid information is requested on which it is interested in bidding.
- b) Application to be filled out.

- An applicant will be required to provide information concerning its form of organization and bank references, and may be required to provide sources of supply or other information to determine its responsibility and capability. An applicant may be required to furnish this information ~~when this information would be required~~ would depend upon the type of purchase contract and amount of information already available as to the capabilities and responsibility of the firm in question. The current Illinois Department of Human Rights (IDHR) Identification Number is to be provided, as well as the Federal Employer Identification Number (FEIN).

- The applicant must disclose in its application the name of each individual having a beneficial interest of more than 7 1/2% in the bidding enterprise and the names of those who, together with his spouse or minor children, has a beneficial interest of more than 15% in the bidding enterprise and, if the applicant is a corporation, the names of all its officers and directors. The applicant shall notify the University of any changes in its ownership or officers at the time the change occurs.

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- 3) Applicants who are minorities, females, or persons with disabilities are encouraged to identify their status for certification purposes under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.
- c) Addition of name to list. Upon submission to the purchasing official of a completed application, the applicant's name may be placed on the active bidders list for the service, commodity or equipment classification requested. The purchasing official will give specific reasons for any applications which are not accepted. Bid information will be sent to those persons appearing on the bidders list. The sending of such information does not constitute a final or conclusive determination as to the responsibility and capability of such bidder. The bidder's qualifications and responsibility will be subject to continuous review.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 525.110 Removal from Bidders List or Suspension

- a) Removal from bidders list or suspension. The University may remove any bidder from a bidders list or suspend the bidder from bidding for a specified period of time, not to exceed one year. The bidder will be given due notice of such removal or suspension action and the reasons therefore. Appeal procedures are specified in Section 525.710 of this Part.
- b) Cause for removal or suspension. The following, without excluding others, shall be cause for removal or suspension, shall be sufficient grounds for such removal or suspension, and shall be cause for suspension:
- 1) Delivery of equipment, equipment or services which do not comply with the specifications.
  - 2) Failure to make delivery or to complete a construction project in the time specified in the contract or purchase order.
  - 3) Failure to keep offer firm for length of time specified.
  - 4) Failure to provide any required performance or payment bonds.
  - 5) Collusion with other bidders or prospective bidders.
  - 6) Bankruptcy or other evidence of lack of responsibility.
  - 7) Failure to perform in accordance with an award.
  - 8) Failure to make equitable adjustments or replacement of damaged goods.
  - 9) Failure to honor warranties or guarantees.
  - 10) Giving false or misleading information.
  - 11) Any action constituting violation of State of Illinois or Federal laws or regulations, including noncompliance with the Illinois Human Rights Act [775 ILCS 5] (1111-Rev-Stat-1997-chv-667 pers-1-104-et-seq) or with Department of Human Rights rules for public contracts (44 Ill. Adm Code 750).
  - 12) Two per-two consecutive failures to respond (either with a bid or

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- an indication of "no bid") to bid information.
- 13) Determination of insufficient financial capability to perform a contract or any other facts causing substantial doubt as to whether the bidder can be relied upon to fulfill obligations under any contract awarded. For example, one standard is the ability of the vendor to provide specified financial documents such as insurance, performance bond, and payment bond all in the full amount of the contract.
- 14) Any other violation of this Part.
- c) Reinstatement. After receipt of a notice of removal or suspension, a bidder may submit in writing an explanation of the circumstances which were the cause of the removal or suspension and prove that such circumstances have been corrected. On the basis of such proof, the University may modify or rescind the removal or suspension.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: SUBMISSION OF BIDS

## Section 525.300 University Sealed Bid Form

- a) Uniformity. When a sealed bid is required by the bid information to provide uniformity and to facilitate comparison of bids by the University, the bidders and interested members of the public, only bids submitted on the sealed bid form specified by the University will be acceptable. The University reserves the right to waive minor variances or irregularities.
- b) Use of typewriter or ink. Every sealed bid should shall be typewritten or written in ink. The bid must be signed by the person submitting the bid or the person duly authorized agent. The signature should shall be typed or printed below the signature.
- c) Bids by telephone or in electronically transmitted form. The in unusual-circumstances-the University may agree to receive bids by telephone or in electronically transmitted form. Written confirmation of the sealed bid shall be mailed or delivered by the bidder on the same day.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 525.320 Contents of Bids

- a) Completeness of Bids. The bid will include all matters required by the bid information. All appropriate blanks in the bid form must be completed by the bidder.
- b) Reference specifications. Any specifications or standards adopted by

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- business, industry, not-for-profit organization, or governmental unit may be incorporated by reference.
- c) Brand name or equal. Specifications may refer to one or more brand name products followed by the words "or equal." Or equal" submissions will not be rejected because of minor differences in design, construction, or features which do not affect the suitability of the product for its intended use. The burden of proof that the product is equal to the licensed use is on the bidder.
  - d) Brand name equal. Brand name alone may be specified in order to fill medical prescription needs or to stock University retail-type operations.
  - e) Items must be new and current. Unless otherwise specified, the items offered must all be new and the latest model, crop or manufacture.
  - f) Bids on alternate items. When any bidder offers an alternate item for consideration, the bidder will give complete specifications, name the brand and demonstrate that the alternate item is equal. The University reserves the right to reject any alternate item which it determines is not equally suitable for the specified purpose. The burden of proof is on the bidder.
  - g) Unit and total prices. The price for the units specified in the bid shall be clearly shown for each individual item. Only one unit price shall be quoted for each item. The total price for the quantity requested must also be shown.
  - h) Period of firm bid. Unless otherwise provided in the bid information, the price of each bid must be kept firm for at least 60 days after the bid opening date. A bidder may specify the price will remain firm for a longer period than required by the bid information or this rule. If the bidder has not specified an expiration date for the price, the price will continue to remain firm until the bidder gives notice of intent to terminate the price. After such notice the University will have 10 days to accept the bid at the original bid price.
  - i) Maintenance and repair service. If the bid information specifies that maintenance and repair service must be provided by the successful bidder, each bidder will specify in the bid whether the service will be provided by the bidder or through an arrangement with another identified person or firm.
  - j) Taxes, licenses, assessments, and royalties.
    - 1) The contractor shall pay all current and applicable city, county, state, and federal taxes including license or assessment taxes including, without thereby limiting the foregoing, those required by the Federal Insurance Contribution Act and the Federal and State Unemployment Tax Acts, together with all royalties due for any proprietary items. The contractor is exclusively liable for the payment of the taxes to the respective governments. In the event said taxes, licenses, assessments or royalties, or any part thereof are in the first instance charged to the University, the contractor shall, upon timely demand of the University, pay the

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- University the amount thereof, plus all penalties which may have accrued thereon.
- 2) The University is exempted by Section 3 of the Use Tax Act [35 ILCS 105/3] [1989-Stat-1989-CH-429-Par-4993] from paying any of the taxes imposed by that Act, and sales to the University are exempt by Section 2 of the Retailers' Occupation Tax Act [32 ILCS 102/2] [1989-Stat-1989-CH-429-Par-4993] from any and all taxes imposed by that Act. The State of Illinois under Rule No. 15 issued August 9, 1965 has stated that sales of materials to construction contractors for conversion into real estate for schools or charities are not taxable retail sales. The purchasing official will furnish the vendor with an exemption certification statement upon request.
  - k) Federal excise tax. Bidders must not include in their prices any allowance for payment of federal excise tax, if the University is exempt from such taxes. If an order or contract is awarded for the purchase of an item that is subject to federal excise tax, the purchasing official will furnish the vendor with an exemption certificate upon request.
  - l) State and federal laws and university rules. All bids and contracts are subject to this Part and to applicable federal laws and those of the State of Illinois, particularly the Illinois Purchasing Act, conflict of interest statutes, nondiscriminatory employment statutes, and equal employment opportunity laws. A certification is required in certain instances, and the form of this certification may be provided in the bid form. (See also subsection (p) of this Section.)
  - m) Equal employment opportunity. A successful bidder awarded an order or contract agrees as follows. In the event of the contractor's non-compliance with the provisions of this Equal Employment Opportunity Clause, the Illinois Human Rights Act or the Rules and Regulations of the Illinois Department of Human Rights (Department), the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or in part, and such other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulations. During the performance of this contract, the contractor agrees as follows:
    - 1) That it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability, military status, or an unfavorable discharge from military service; and further that it will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any such under utilization.
    - 2) That, if it hires additional employees in order to perform this



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handicapped individuals (29 U.S.C. 793).

- 7) Federal Executive Orders 11246 and 11375 requiring affirmative action and equal opportunity in employment for all persons without regard to race, color, religion, sex or national origin.
- p) Provisions required by law deemed inserted. Each and every provision of law and clause required by law to be inserted in any order or contract shall be deemed to be inserted therein; and the order or contract shall be read and enforced as though it were included therein; and if, through mistake or otherwise, any such provision is not inserted or is not correctly inserted, then upon the application of either party the contract shall forthwith be physically amended to make such insertion or correction.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 525-330 How to Submit Bids

- a) Special envelope for sealed bids. A special envelope will be furnished for return of a sealed bid. The envelope containing the bid will show the following information on the outside:
- 1) Address to which the bid is to be mailed or delivered.
  - 2) Date and time of the bid opening.
  - 3) Requisition or bid number or other project identification.
  - 4) Firm name and address of bidder.
- b) Where to submit bids. All bids must be submitted to the office at the address specified in the bid information.
- c) When to submit bids. Bid information will state the place, date and hour of opening of bids and the latest date for receipt of bids by the purchasing official.
- d) Modification or withdrawal of bids. A bidder may withdraw or modify a bid if notice of the withdrawal or modification is received by the purchasing official before the latest time specified for receipt of bids. Any such modification or withdrawal, however, must be made by letter and received by the purchasing official prior to the scheduled bid opening. When time is of the essence, the purchasing official may agree to receive modifications or withdrawals by printed form conveyed electronically or by telephone. An originally signed written confirmation of the telephone or electronically conveyed modification or withdrawal shall be mailed or delivered by the bidder on the same day. Withdrawal of bids after bid opening will not ordinarily be permitted; however, in those cases where, in the judgment of the University based on clear and demonstrable evidence, the bidder has made a bona fide error in the preparation of the bid and such error will result in a substantial loss to the bidder, an exception may be made.
- e) Late bids. No bids received after the time specified in the bid information will be considered. It is the bidder's responsibility to

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see that the bid is delivered at the time and place specified. All bids received after the specified time will be marked "received too late for consideration", signed by the purchasing official and returned unopened.

- f) Eligibility of bidders. No person shall be eligible to bid on a contract, except for those procurements exempt from competitive selection procedures identified in Section 525.700 of this Part, of 59969--or--more unless such persons prior to bid opening has complied with the rules of the Illinois Department of Human Rights concerning eligibility of bidders.
- g) Bid reservations. The University reserves the right to reject any or all bids or any part thereof, to waive informalities and to accept the bids deemed to be in the best interest of the University (such as, the lowest priced responsive bid).

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: HANDLING OF BIDS

## Section 525-400 Handling of Sealed Bids

- a) Formal bid opening. All sealed bids will be opened, the bids read aloud and names of the bidders recorded at the place and time specified. The bid opening will be conducted by the Purchasing official or designated representatives. The bidder or representative or any other bidders may be present. The bidder or representative or any other interested party may be present at any bid opening.
- b) Bid speaks for itself. If the person reading the bid makes an error, the figure given in the bid shall govern.
- c) Recording of bids. When all bids have been opened and read, the persons conducting the bid opening will sign the following certification: "I hereby certify that the bids submitted by the bidders whose names are recorded above were opened, read and recorded at the place and time specified in the bid information."
- d) Prompt tabulation and award. All sealed bids are tabulated for comparison and awards made as soon as is practicable after the opening and recording of the bids.
- f) Public record of sealed bids. The record of bidders' names prepared at the bid opening and all the bids and tabulation sheets will be kept by the University in the office of the appropriate Purchasing official for a period of not less than two years after the award is made and will be available for inspection after an award is made at reasonable hours by any interested person.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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## Section 525.410 Handling of Open Bids and Sealed Proposals

Open bids and sealed proposals will be examined and the award made as soon as is practicable after the time specified for submission of the bids and sealed proposals. All bids, proposals, and tabulation sheets (if any) will be kept by the University in the office of the appropriate Purchasing Official for at least two years after the award is made and will be available for inspection after an award is made at reasonable hours by any interested person.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: AWARDDING OF CONTRACTS

## Section 525.500 Standards for Awarding Contracts

- a) Lowest and best bid. The awards will be made to the lowest bidder, considering price, responsibility and capability of bidder, availability of funds and all other relevant factors, provided the bid meets the specifications and other requirements of the bid information. The standards followed in determining which is the lowest and best bid are outlined below.
- b) Cash discounts. In determining the lowest bid, cash discounts, when stated separately, will be taken into account, unless stated otherwise in the bid information.
- c) Trade and quantity discounts. Trade and quantity discounts may be indicated, but should always be deducted by the bidder in calculating the unit price quoted.
- d) Illinois sales, service and use tax. Bidder should not include Retailers' Occupation Tax, Use tax or Federal Tax in the quotation. Receipts from sales to the University are normally exempt from these taxes.
- e) Unit price governs. In case of a mistake in the extension of a price, the unit price will govern unless otherwise stated in the bid information.
- f) Award of any or all items. An award may be made to the lowest aggregate bidder for all items or on an individual item basis unless otherwise stated in the bid information. If a split award is not acceptable to a bidder, it must be so stated in the bid.
- g) Costs. Projected delivery, installation, and operational costs of equipment may be considered.
- h) Guarantees and warranties. Terms and conditions of bidders' and manufacturers' guarantees and warranties will be considered in the evaluation of bids.
- i) An otherwise qualified bidder who will fulfill the contract through the use of products made of recycled materials may be given, on a pilot basis or pursuant to a pilot study, preference over other contractors unable to do so, provided that the cost included in the

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recycled products made of recycled materials is not more than 10% greater than the cost of similar products made of recycled materials. (1) If the bidder is unable to furnish evidence of the bidder's ability to meet specified repair and service requirements may be used in evaluating bids. (2) If two or more bids meeting the specifications and other requirements of the bid information are tied for low price, the bids will be treated as follows:

- 1) If there is a significant difference in the responsibility of the bidders (including ability to deliver in the quantity and at the time required), the award will be made to the bidder who is deemed to be the most responsible.
- 2) If there is no significant difference in the responsibility of the bidders, but there is a difference in the quality of the commodities or services offered, the bid offering the best quality or services will be accepted.
- 3) If there is no significant difference in the responsibility of the bidders and no difference in the quality of the items and service offered, the bid offering the earliest delivery time will be accepted in any case in which the bid information specified that the needs of the University require as early delivery as possible. In all other cases, delivery time will not be considered in making awards so long as the bidder states delivery will occur not later than the time specified in the bid information as the latest acceptable delivery time.
- 4) If all else is equal, preference will be given to resident bidders, as defined in subsection (1) ¶4 below. Preference among resident bidders may be given to the resident bidders offering commodities or equipment grown or produced in Illinois.
- 5) If the bids quoting the same price are equal in every respect, the award may be split or made by lot.

## (1) ¶4 Resident bidder:

- 1) When a public contract is to be awarded to the lowest responsible bidder, a resident bidder may be allowed a preference as against a nonresident bidder from any state which gives or requires a preference to bidders from that state. The preference is to be equal to the preference given or required by the state of the nonresident bidder.
- 2) "Resident bidder" means a person authorized to transact business in this State and having a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any bid for a public contract is first advertised or announced, including a foreign corporation duly authorized to transact business in this State which has a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any bid for a public contract is first advertised or announced.



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3) Subsections (1)(1) and (2) above do not apply to any contract for any project for which Federal funds are available for expenditure when such paragraphs may be in conflict with Federal law or Federal regulation.

11 Ownership. The bidder for a contract involving an expenditure subject to competitive selection procedures, except for those allocated from competition made on file with the University of Illinois, shall file a disclosure statement naming each individual having a beneficial interest of more than 1/2% in the bidding enterprise and each individual who, together with his spouse or minor children, has a beneficial interest of more than 1% in the bidding enterprise and, if the bidder is a corporation, the names of all of its officers and directors, in compliance with Section 6-1 of the Act, as amended.

12 Contract renewal option. Certain bids may be solicited and contracts issued with renewal clauses to bind the contractor to a renewal period at the sole option of the University. In such cases, bidders will be asked to bid a firm price to be applicable during the renewal period, if the University chooses to renew, or, in the alternative, to bid prices geared to pertinent commodity price indexes to be applicable in renewal periods, if the University chooses to renew. In all cases where the renewal option is involved, the bid information will state that the University reserves the right to renew the contract, if awarded, in accord with prices (firm or geared to pertinent price indexes) included in bids received and that renewal on such terms is at its sole option.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 525.510 Rejection of Bids

- Nonresponsive bids. Any bid which does not meet the requirements of the bid information or does not comply with this Part may be rejected.
- Alterations and erasures. Bids containing any alteration or erasure shall be rejected.
- Responsibility of the bidder.
  - The purchasing official may at any time make a supplementary investigation as to the responsibility or qualification of any bidder, even though the bidder is on a bidders' list. This may include investigation of financial responsibility, insurability, effective equal opportunity compliance, capacity to produce or sources of supply, performance record in the business or industry, ability to provide required maintenance service and other matters relating to the bidder's probable ability to deliver in the quality, quantity and within the time required under the contract, if it is awarded to the bidder. The purchasing official may require the submission of written

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statements from the bidder or other persons concerning any such matters.

- If the University concludes that a particular bidder appears not to be sufficiently responsible to assure adequate performance on a contract, the bid will be rejected.

- If in the judgment of the University, there is some question about the responsibility of the low bidder but the University would be adequately protected by the filing of a performance or payment bonds or both (or the deposit of a certified or cashier's check, if approved by the University) as security for performance, it may require the low bidder to file such bonds (or deposit such a check), even though not required by the bid information, and, upon the filing of the bond (or deposit of the check), may make the award. Such bond(s) shall be filed within a specified number of days.

- Conflicts of interest. Any bid, the acceptance of which would result in any of the following prohibited types of contracts, will be subject to rejection.
  - It is unlawful for any member of the General Assembly to be interested, directly or indirectly, in any State contract authorized by any law (including any appropriations statute) passed during the term for which the member was elected, provided, however, that any contract made prior to the knowledge election and completed within six months after the member takes office is valid.

- The laws of the State of Illinois provided that no elective State officer or member of the General Assembly or any person employed in any of the offices of the State Government, or the wife, husband or minor child of any such officer, shall have, acquire, obtain or hold any contract which will be wholly or partly satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois, nor shall any such person have, acquire, obtain or hold any direct pecuniary interest in any such contract.

- In addition, the laws of the State of Illinois provide that it is unlawful for any firm, partnership, association or corporation from which any such person as described in subsection (d)(2) above shall be entitled by contract, stock ownership or otherwise to receive more than 7 1/2 percent of the total distributable income thereof, to have, acquire, obtain or hold any such contract or direct pecuniary interest therein.

- In addition, the laws of the State of Illinois provide that it shall be unlawful for any firm, partnership, association or corporation from which any such person as described in subsection (d)(2) above, together with his or her wife or husband or minor child or children, or any of them shall by contract, stock ownership or otherwise be entitled to receive, in the aggregate, more than 1% percent of the total distributable income thereof,

## BOARD OF TRUSTEES

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to have, acquire, obtain or hold any such contract or direct pecuniary interest therein.

- 5) In the examples listed under subsections (d)(1) through (4) above, the Governor may exempt named individuals as provided by Section 11.5 of the Illinois Purchasing Act [30 ILCS 505/11.5].

6) No member of the University's governing Board shall be directly or indirectly interested in any contract to be made by the said Board for any purposes whatsoever.

7) No contract will be awarded to a University officer or employee or to a firm, partnership, association or corporation the owner or principal owners or major officers or primary employees of which are officers or employees of the University, unless such purchase or contract is deemed essential to University operations and is approved by the President of the University (or designee) and such approval is filed with the purchase order or contract.

8) No contract will be awarded to a member of the immediate family of an officer or employee of the University or to a firm, partnership, association or corporation the owner or principal owners or major officers or primary employees of which are members of the immediate family of officers or employees of the University, unless such purchase or contract is deemed beneficial to University operations and is approved by the President of the University (or designee) and such approval is filed with the purchase order or contract. Such contracts will be deemed beneficial to the University when necessary to the operational or academic or research needs of the University and only when economically procurable from the individual or firm in question.

- e) Attempt to influence the University or firm in question.

1) No person on a bidders list or who submits a bid shall give or offer to give, directly or indirectly, any money, article or other valuable consideration to any officer or employee of the University for the purpose of influencing said officer or employee of the University.

2) If any person makes or offers to make a gift such as prohibited by subsection (e)(1) above, all bids submitted by the bidder will be rejected, and the bidder will be barred from further bidding for a period of time fixed by the University, not to exceed one year.

f) Collusive bids. If, in the judgment of the University, there is reasonable ground to believe that there is an agreement among bidders, or between them and prospective bidders, to restrain bidding by establishing a fixed price or any other means, the bids will be rejected, and the bidder and prospective bidders will be barred from further bidding for a period of time not to exceed one year.

g) Identical bids. Two or more identical bids or indications of collusion in bidding shall be reported to the Illinois Attorney General.

h) Rejection of all bids. The University may reject all bids, and a

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notice shall be sent to all bidders by means of resolicitation of bids or to low bidder if there is to be no rebidding.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 525.530 Supplementary Purchases

Supplementary purchases will be permitted under the following conditions-on-which-permitted:

a) When the University issues an award after following the above bidding procedure, it may, at any time within ninety days thereafter, issue additional purchase orders or contracts to the same contractor, or amendments to the original purchase order or contract for an additional quantity at the same unit price and on the same terms and conditions, if:

1) The contractor indicates that the additional purchase orders or contracts will be accepted if issued.

2) The market price of the commodities, services or equipment in question has not gone down since the original purchase.

3) The amount of the additional purchases is not of such magnitude as to constitute a substantial or material variation from the first purchase order or contract.

b) Notwithstanding the above, no amount of funds, in addition to those provided for in a contract for repairs, maintenance, remodeling, renovation or construction, may be obligated or expended unless additional work may be performed or materials to be furnished are germane to the original contract. Even if germane to the original contract, no additional expenditures or obligations may, in their total combined amount, be in excess of the percentages of the original contract amount as provided in Section 9.02 of the Illinois Purchasing Act, as amended, unless they have received the prior written approval of the Capital Development Board.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 525.540 Negotiation of After Award

The University may negotiate a no-charge-change-order with the successful bidder incorporating prices, terms, and conditions more favorable than originally bid provided the salient features of the goods or services are not diminished. Examples of the standards and circumstances that the University may use to negotiate include, but are not limited to, a no-charge-change-order when prices, terms or conditions from the low responsive and responsible bidder are better than those provided in the original bid, such as split deliveries, temporary storage of shipment, improved payment terms and change in delivery site.

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(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART G: PERFORMANCE BY SUCCESSFUL BIDDER

## Section 525.600 Performance and Payment Bond

- a) May be required. The University shall have the right to require that the successful bidder file a Performance Bond or Payment Bond or both in a designated amount and written by a surety company acceptable to the University. It may be required that the bonds be filed within a specified number of days after the award is made, or the contract shall be cancelled and the contractor shall be liable for any damages. Bond costs shall be borne by the successful bidder, unless otherwise stated in the bid information.
- b) Amount. Such Performance and Payment Bonds may be required in any amount up to 100% of the amount of the contract, depending upon the nature of the transaction.
- c) Surety required. In addition to signing the bonds as principal, the successful bidder must have the bonds signed by a surety having a rating acceptable to the University, and authorized to do business in the State of Illinois. If the surety writing the bonds has its authority to do business in this State revoked or if for any reason it withdraws from doing business in this State, the bidder must promptly furnish substitute bond(s) written by a surety acceptable to the University.

- b) Amount. Such Performance and Payment Bonds may be required in any amount up to 100% of the amount of the contract, depending upon the nature of the transaction.

- c) **Surety required.** In addition to signing the bonds as principal, the successful bidder must have the bonds signed by a surety having a rating acceptable to the University, and authorized to do business in the State of Illinois. If the surety writing the bonds has its authority to do business in this State revoked or if for any reason it withdraws from doing business in this State, the bidder must promptly furnish substitute bond(s) written by a surety acceptable to the University.

- d) Condition of bond. Any such bond shall be conditioned on full performance of all obligations imposed on the bidder by the contract with the University. The bond(s) shall provide that, if the bidder fails to perform any of such obligations the University may recover from the bidder and the surety (or either of them) any and all damages suffered because of the breach of contract or failure to perform in accordance with the terms of the contract.

- e) Source of supply may also be required to file bonds. If the bidder does not have a stock of the commodity or equipment in question in the amount required of the nor facilities to produce the item in such amount, the University may, in addition, require the bidder to have the source of supply furnish a performance or payment Bond, or both written by a surety acceptable to the University, conditioned on such source supplying the bidder as required in the bid.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 525.630 Inspection

- a) All deliveries subject to inspection. Any commodities or equipment that ~~fails~~ fail to perform in any respect, including failure:

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- 1) to meet the specifications and to conform to the vendor's samples, or
- 3) to be in good condition when delivered, will be subject to rejection.
- b) Notice to contractor. Notice of any such rejection based on defects that should be disclosed by ordinary methods of inspection will be given to the contractor within a reasonable time after delivery of the item. Notice of latent defects which would make the items unsuitable for the purpose for which they are required may be given by the purchasing official within a reasonable time after discovery. Contractor must remove rejected items. The contractor may be required to remove immediately, at its own expense, any items rejected by the University. If the contractor fails to remove the items, the University, at its option, may remove and store the items at contractor's expense or may sell them and remit the proceeds of the sale (less any expenses incurred as a result of default) to the contractor.
- d) Inspection at source. In some cases, the University may require that the contractor permit preliminary inspection of the commodities or equipment at the factory, plant or other establishment where they are produced or grown.
- e) Other rights of University. Nothing contained herein shall be construed to limit in any way rights the University may have under any law, including the Uniform Commercial Code [810 UCS 5] with-sev-Stat--1997-eh--267--para--149--et-seq], applicable to any transaction covered by this Part.

- b) **Notice to contractor.** Notice of any such rejection based on defects that should be disclosed by ordinary methods of inspection will be given to the contractor within a reasonable time after delivery of the item. Notice of latent defects which would make the items unsuitable for the purpose for which they are required may be given by the purchasing official within a reasonable time after discovery.

- c) Contractor must remove rejected items. The contractor may be required to remove immediately, at its own expense, any items rejected by the University. If the contractor fails to remove the items, the University, at its option, may remove and store the items at contractor's expense or may sell them and remit the proceeds of the sale (less any expenses incurred as a result of default) to the contractor.

- d) Inspection at source. In some cases, the University may require that the contractor permit preliminary inspection of the commodities or equipment at the factory, plant or other establishment where they are produced or grown.

- e) Other rights of University. Nothing contained herein shall be construed to limit in any way rights the University may have under any law, including the Uniform Commercial Code [810 UCS 5] ~~4444-Rev-Seat-1997--ch--26--para-i-19-et-seq-~~, applicable to any transaction covered by this Part.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 525.670 Construction Contracts

- a) General procedures.
- 1) In the case of contracts for construction of buildings or for other construction work in or about buildings or grounds where the entire estimated cost of such work exceeds the amount stipulated by Section 6(a)(1) of the Illinois Purchasing Act [30 ILCS 305.6(a)(1)], \$95,999.99 or such larger amount as may be specified by law, all prospective bidders, as well as architects and engineers employed in connection with such projects, may not be prequalified to determine their responsibility (for architects, engineers, and land surveyors, see the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535]). If the total estimated cost of such work exceeds the amount stipulated by Section 6(a)(1) of the Illinois Purchasing Act in \$99,999.99 or more, separate specifications shall be prepared for the equipment, labor and materials in connection with the following subdivisions of work to be

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performed:

- A) Plumbing.  
B) Heating, piping, refrigeration and automatic temperature control systems, including the testing and balancing of such systems.

- C) Ventilating and distribution systems for conditioned air, including the testing and balancing of such systems.  
D) Electrical wiring.

- E) General Contract Work

2) Those specifications shall ~~will~~ be drawn so as to permit separate and independent competitive bidding upon each of the above five subdivisions of work. As used in this Section, "competitive bidding" means bidding in which bids are publicly solicited and opened, the terms and conditions of the solicitation and the bidding process apply equally to all bidders, and bids are awarded to the lowest responsible bidder. All bids shall be awarded from any part of the building and the five subdivisions of such work separately to responsible and reliable persons, firms or corporations engaged in these classes of work.

Such contracts, at the discretion of the University, may be assigned to the successful bidder on the general contract work or to the successful bidder on the subdivision of work designated by the University prior to bidding as the prime subdivision of work with the provision that all payments will be made directly to the contractors for the five subdivisions of such work upon compliance with the conditions of the contract. Any contract may be let for one or more buildings in any project to the same contractor. Specifications shall require, however, that unless the buildings are identical, a separate price shall be submitted for each building. The contract may be awarded to the lowest responsible bidder for each or all of the buildings included in the specifications.

- b) Request for payment form furnished by University. To bill the University for remodeling, renovation or construction work done, the contractor must fill out the University Request for Payment form, when required.

- c) Certification by licensed architect or engineer. Any contract or remodeling, renovation or construction involving an expenditure in excess of the amount stipulated by Section 9 of the Illinois Purchasing Act [30 ILCS 505/9] \$9,999 shall be subject to the supervision of a licensed architect or engineer, and no payment shall be paid for such remodeling, renovation or construction unless the voucher for such work is accompanied by a written certificate of such licensed architect or engineer that the payment represents work satisfactorily completed, or labor, or materials incorporated in or stored at the site of such work.

- d) Periodic payments. When provided in the contract, periodic payments can be made during the course of such work upon a certificate of a

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licensed architect or engineer, indicating the proportionate amount of the total work completed satisfactorily.  
e) Retained percentage. When periodic payments are made, the University shall retain a fixed percentage, specified in the contract, to insure faithful completion of the contract.

- f) Improvements to leased real estate. The procedures set forth in this Part shall apply, as appropriate, to contracts for improvements to real estate leased to the University.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUPPLEMENT H: OTHER PROCEDURES

## Section 525-700 Competitive Selection Procedures not Bidding Not Required

In the following cases, the University may issue a purchase order directly, without following the competitive selection procedures procedure described in Sections 525-50 and 525-60 of this Part above relating to bidding-advertisements for-bids-and-investigation-to-bid:

- a) Where the goods or services to be procured are economically procurable from only one source, such as contracts for local exchange telephone service, electrical energy and other public utility services, books, pamphlets and periodicals and specially designed business and research equipment and related supplies. Such items are examples of single source items and are not intended to be an exhaustive listing.  
b) Where the services required are for professional or artistic skills. For architects, engineers, and land surveyors, see the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535].

- c) Emergencies in emergencies involving public health, public safety, or where immediate expenditure is necessary for repairs to University property in order to protect against further loss of or damage to University property, to prevent or minimize serious disruption in University services or to insure the integrity of University records.  
d) Expenditures in case-of-expenditures for personal services paid to employees or officers of a State state agency.

- e) Contracts for repairs, maintenance, remodeling, renovation or construction of a single project involving an expenditure not to exceed the amount stipulated by Section 6(a)(5) of the Illinois Purchasing Act [30 ILCS 505/6(a)(5)] \$49,999 and not involving a change or increase in the size, type or extent of an existing facility--provided that where an expenditure of more than \$9999-but not exceeding \$49999 is involved, the work shall be advertised-for bids--in-a-local-newspaper--in-an effort-to-obtain-competitive-bids based-on-a-standard-specification-acceptable-to-the-university--such contract shall be awarded to the lowest responsible bidder-considering conformity-with-specifications-terms-of-delivery-quality-and

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## serviceability.

f) Contracts for repairs, maintenance or any other services not specifically exempted from a competitive selection procedure under the Illinois Public Aid Act requiring individual bids for the purchase of goods or services do not exceed the amount stipulated by Section 6(a)(6) of the Illinois Purchasing Act [30 ILCS 505/6(a)(6)] \$5,000 for the same type of service at the same location for the University during any fiscal year provided that where a University occupies more than one location within any single county, the \$5,000 limitation shall apply in the aggregate to all locations within such county.

g) Purchases of commodities and equipment where individual orders are less than the amount stipulated by Section 6(a)(7) of the Illinois Purchasing Act [30 ILCS 505/6(a)(7)] \$5,000.

h) Where a contract for maintenance, or servicing of, or provision of repair parts for equipment is made with the manufacturer or authorized service agent of that equipment and where such maintenance, servicing or provision of parts can best be performed by the manufacturer or authorized services agent, or such contract would otherwise be advantageous to the State; but this does not apply to the five subdivisions of work applicable to construction contracts listed in Section 525-670 of this Part.

i) Where the goods or services are procured from another governmental agency. (This allows procurement from federal, state and local governmental units.)

j) Purchases and contracts for the use, purchase, delivery, movement or installation of data processing equipment and software or services or telecommunications and interconnect equipment, software and services.

k) Any contract for duplicating machines and supplies.

l) Any contract for the purchase of natural gas when the cost is less than that offered by a public utility.

m) Where court order or federal law, regulation or procurement practices prohibits or effectively prevents acquisition of the goods or services by competitive procurement bidding.

n) Other instances where permitted the Act.

o) Where the purchase and services are procured from any qualified not-for-profit agency for the severely handicapped which:

- 1) organizations,
- 2) is certified as a sheltered workshop by the Wage and Hour Division of the United States Department of Labor, and
- 3) meets the Illinois Department of Rehabilitation Services just standards for rehabilitation facilities.

p) Purchases from a qualified private business with a supported employment workforce as defined in Section 8.5 of the Illinois Purchasing Act [30 ILCS 505/8.5].

g) Purchases of and contracts for office equipment and associated supplies when such contracts provide for prices that are equal to or lower than Federal General Services Administration contracts and when

## BOARD OF TRUSTEES

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such contracts or pricing result in economical advantage to the University.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 525.720 Solicitations for Sale to the University (Repealed)

Solicitors--canvassers and agents of every description are prohibited from canvassing on University property or in University buildings except on official University business. All such solicitors--canvassers and agents making sales--research inquiries or solicitations of any kind shall be permitted on the University campus or in University buildings at the pleasure of the University. All solicitations must be cleared through the appropriate University official.

(Source: Repealed at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Background Check of Foster Family Home Applicants
- 2) Code Citation: 89 Ill. Adm. Code 380
- 3) Section Numbers: Adopted Action:
- |                 |        |
|-----------------|--------|
| 380.1           | Repeal |
| 380.2           | Repeal |
| 380.3           | Repeal |
| 380.4           | Repeal |
| 380.5           | Repeal |
| 380.6           | Repeal |
| 380.7           | Repeal |
| 380.8           | Repeal |
| 380.9           | Repeal |
| 380.10          | Repeal |
| 380.11          | Repeal |
| 380.12          | Repeal |
| 380.13          | Repeal |
| 380.14          | Repeal |
| 380. Appendix A | Repeal |

- 4) Statutory Authority: 225 ILCS 10
- 5) Effective Date of Repealer: February 28, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 28, 1997
- 9) Notice of Proposal Published in Illinois Register: March 1, 1996, 20 Ill. Reg. 3629
- 10) Has JCPR issued a Statement of Objection to these Rules? No
- 11) Difference between proposal and final version: None
- 12) Have all the changes aired upon by the agency and JCPR been made as indicated in the agreement letter issued by JCPR? There were no agreements with regard to this repealer.
- 13) Will this repealer replace an emergency repealer in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Proposed Repealer: This rule is being replaced by a more comprehensive rule, 89 Ill. Adm. Code 385, Background Checks, which

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED REPEALER

will be adopted shortly.

- 16) Information and questions regarding this adopted repealer shall be directed to:

Jacqueline Nottingham, Chief  
Office of Rules and Procedures  
Department of Children and Family Services  
406 E. Monroe Street, Room #65  
Springfield, Illinois 62701  
Telephone: (217) 524-1983  
TDD: (217) 524-0014



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Background Inquiry for Purchase of Service Providers
- 2) Code Citation: 89 Ill. Adm. Code 358

3) Section Numbers: Adopted Action:

358.1	Repeal
358.2	Repeal
358.3	Repeal
358.4	Repeal
358.5	Repeal
358.6	Repeal
358.7	Repeal
358.8	Repeal

4) Statutory Authority: 20 ILCS 5055) Effective Date of Repealer: February 28, 1997

- 6) Does this rulemaking contain an automatic repeal data? No
- 7) Does this repealer contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 28, 1997
- 9) Notice of Proposal Published in Illinois Register: March 1, 1996 20 Ill. Reg. 3643

10) Has JCRC issued a Statement of Objection to these Rules? No11) Difference between Proposal and final version: None.12) Have all the changes agreed upon by the agency and JCRC been made as indicated in the agreement letter issued by JCRC? There were no agreements with regard to this repealer.13) Will this repealer replace an emergency repealer in effect? No14) Are there any amendments pending on this Part? No15) Summary and Purpose of Proposed Repealer: This rule is being replaced by a more comprehensive rule, 89 Ill. Adm. Code 385, Background Checks, which will be adopted shortly.16) Information and questions regarding this adopted repealer shall be directed to:

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED REPEALER

Jacqueline Nottingham, Chief  
Office of Rules and Procedures  
Department of Children and Family Services  
406 E. Monroe Street, Station #65  
Springfield, Illinois 62701  
Telephone: (217) 524-1983  
TTY: (217) 524-0014



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Resolution of Household Goods Disputes
- 2) Code Citation: 92 Ill. Adm. Code 1456
- 3) Section Numbers:
  - 1456.10 Adopted Action
  - 1456.20 New Section
  - 1456.30 New Section
  - 1456.40 New Section
  - 1456.50 New Section
- 4) Statutory Authority: Implementing Sections 18c-1202 and 18c-2107 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202 and 5/18c-2107].
- 5) Effective Date of Amendment: March 1, 1997
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 1, 1997
- 9) Notice of Proposal Published in Illinois Register: August 16, 1996, at 20 Ill. Reg. 10755.
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Differences between Proposal and final version: There are no differences between the proposal and the final version.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? There were no agreed changes.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This rulemaking, mandated by P.A. 89-444, establishes procedures to be followed by the Commission when mediating disputes between household goods movers and their clients.
- 16) Information and questions regarding this adopted Amendment shall be directed to:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

Kathy Campbell  
 Illinois Commerce Commission  
 57 East Capitol Avenue  
 P.O. Box 13697  
 Springfield, IL 62794-9280  
 (217)795-4869

The full text of the adopted Amendment begins on the next page:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER b: MOTOR CARRIERS OF PROPERTYPART 1456  
RESOLUTION OF HOUSEHOLD GOODS DISPUTES

Section	
1456.10	Introduction
1456.20	Definitions
1456.30	Shipper-Carrier Negotiation
1456.40	Mediation
1456.50	Arbitration

AUTHORITY: Implementing Section 18c-3202 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law 625 ILCS 5/18c-1202(9) and 18c-3202).

SOURCE: Adopted at 21 Ill. Reg. 3113, effective \_\_\_\_\_.

## Section 1456.10 Introduction

This Part implements the Illinois General Assembly's charge to the Commission in P.A. 89-444 to specify procedures for resolving disputes between household goods carriers and shippers. The provisions of this Part are intended to establish a program which provides fair, fast, and inexpensive means of resolving the disputes that inevitably arise between household goods carriers and their shippers, and they shall be interpreted and applied to that end.

## Section 1456.20 Definitions

"Arbitration" means the process by which a dispute that has been voluntarily submitted by a shipper to the Commission for resolution is decided.

"Carrier" or "household goods carrier" means a person or entity that engages in the for-hire intrastate transportation of household goods.

"Dispute" means a disagreement between a shipper and a carrier relating to the propriety of charges for the services rendered, or loss of or damage to loading from the loading, unloading, or transportation of the lading.

"Household goods" means the personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling.

## ILLINOIS COMMERCE COMMISSION

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"Mediation" means the informal process, voluntarily agreed to by the shipper, by which a carrier and shipper attempt to achieve a mutually satisfactory resolution of a dispute with the assistance of a Commission-appointed mediator acting as a neutral, impartial, third party.

"Shipper" means a person who utilizes the services of a carrier for the collect-on-delivery transportation of household goods.

## Section 1456.30 Shipper-Carrier Negotiation

Prior to invoking the dispute resolution procedures established by this Part, the shipper and carrier must make a good faith attempt to resolve the underlying dispute. Disputes are subject to the claims provisions of 92 Ill. Adm. Code 1226. Commission staff will, upon request, provide the parties with information necessary or helpful in negotiating a resolution to the dispute or in following established claim procedures.

## Section 1456.40 Mediation

If a shipper and carrier are unable to resolve a dispute, either party may request the Commission staff's participation in the dispute resolution process as a mediator.

a) Carriers are required to participate in mediation in good faith. "Good faith participation" includes participation by a representative of the carrier who has authority to agree to settlement. However, the fact that a settlement is not achieved does not in itself constitute evidence of lack of good faith participation.

b) Mediation may take any form or employ any process to which the parties and the mediator agree. Mediation will terminate when the parties reach an agreement about all issues in dispute, when the shipper withdraws as a participant, or when the staff mediator determines that there is no reasonable likelihood that the parties will reach an agreement on any issues remaining in dispute.

c) At the conclusion of mediation, the staff mediator will prepare a memorandum for the parties reflecting the terms of their agreement. If any issues remain unresolved, the staff mediator will prepare the dispute, based on the information available to the staff mediator and the applicable law. The opinion expressed by the staff mediator shall not be binding on the Commission.

## Section 1456.50 Arbitration

If some or all of the issues in dispute between a shipper and a carrier remain unresolved after mediation, the shipper may request arbitration of the dispute by a Commission arbitrator, appointed by the Commission. Carriers are deemed

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

to join in a request for arbitration submitted by a shipper.

a) To commence arbitration, a shipper must sign and submit an Agreement to Arbitrate form obtained from the Commission, along with an arbitration fee of \$25. When a shipper submits a form, the carrier and shipper thereby agree to abide by the terms of the arbitration award.

b) The Agreement to Arbitrate will specify that the arbitration award will be based solely on written submissions, documents and exhibits, unless the arbitrator and both parties agree to an oral hearing. The Commission will serve a copy of any submissions from one party on the other party.

1) Along with a signed Agreement to Arbitrate, the shipper shall submit two copies of a statement setting forth a brief description of the issues in dispute and its positions and arguments on the issues, accompanied by two copies of whatever documents, exhibits or other written submissions the shipper believes to be relevant to those issues.

2) Within 10 business days after the Commission has mailed the Agreement to Arbitrate and shipper's submissions to the carrier, the carrier may submit two copies of a statement and other written submissions responding to the shipper's submissions and setting forth its own positions and arguments about the issues in dispute.

3) Within business days after the Commission has mailed the carrier's submissions to the shipper, the shipper may submit two copies of a reply to the carrier's submissions.

c) Within 10 business days after the time for receiving the shipper's reply, the Commission arbitrator shall prepare, sign, and mail to the parties a written award disposing of all issues in dispute. The award shall include a brief statement of the findings of fact made by the arbitrator and the basis for the award.

d) Unless otherwise provided by this Section, proceedings under this Section shall be governed by the provisions of the Uniform Arbitration Act [710 ILCS 51].

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois List of Endangered and Threatened Fauna
- 2) Code Citation: 17 Ill. Adm. Code 1010
- 3) Section Numbers: 1010.25  
1010.30  
Adopted Action:  
Amendments
- 4) Statutory Authority: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act (520 ILCS 10/71).

5) Effective Date of Rulemaking: March 3, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: March 3, 1997

9) Notice of Proposal Published in Illinois Register: December 2, 1996, 20 Ill. Reg. 15138

10) Has JCRR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the Agency and JCRR been made as indicated in the agreement letter issued by JCRR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended to update the statutory citation in Section 1010.25 and to remove the Cooper's Hawk from the list of Endangered Birds of Illinois in Section 1010.30.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price  
Department of Natural Resources  
524 S. Second Street, Room 4130  
Springfield, IL 62701-1787  
217/782-1809

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE ADOPTED AMENDMENTS

TITLE 17. CONSERVATION  
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER C: ENDANGERED SPECIES

PART 1010  
ILLINOIS LIST OF ENDANGERED AND THREATENED FAUNA

Section  
1010-10 Official List  
1010-20 Definitions  
1010-25 Criteria Used for Listing  
1010-30 List

AUTHORITY: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7].

SOURCE: Filed December 21, 1977, effective December 31, 1977; codified at 5 Ill. Reg. 10653; amended at 8 Ill. Reg. 13705, effective July 25, 1984; amended at 13 Ill. Reg. 4179, effective March 17, 1989; amended at 16 Ill. Reg. 103, effective December 20, 1991; amended at 18 Ill. Reg. 1134, effective January 18, 1994; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 3118, effective MAR 04 1997.

## Section 1010-25 Criteria Used for Listing

- a) A species shall be included on the Official List when one or more of the following criteria exists:
- 1) Species included in the Federal list of Endangered or Threatened species.
  - 2) Species proposed for Federal Endangered or Threatened status which occur in Illinois.
  - 3) Species which formerly were widespread in Illinois but have been nearly extirpated from the State due to habitat destruction, collecting, or other pressures resulting from the development of Illinois.
  - 4) Species which exhibit very restricted geographic ranges of which Illinois is a part.
  - 5) Species which exhibit restricted habitats or low populations in Illinois.
  - 6) Species which are significant disjuncts in Illinois, i.e., the Illinois population is far removed from the rest of the species' range.
- b) A species will be removed from the Official List if it no longer fulfills one or more of the criteria in subsection (a), except for a species that no longer fulfills the criteria because it no longer inhabits Illinois. The determination will be made pursuant to Section 7 of the Endangered Species Protection Act (4119-Rev--Stat--1993--ehr

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE ADOPTED AMENDMENTS

87-prr-3377 [520 ILCS 10/7].

(Source: Amended at 21 Ill. Reg. 3118, effective MAR 04 1997)

## Section 1010-30 List

## a) ENDANGERED FISHES OF ILLINOIS

Northern Brook Lamprey  
Lake Sturgeon  
Pallid Sturgeon\*\*  
River Chub  
Sturgeon Chub  
Bigeye Chub  
Pallid Shiner  
Pugnose Shiner  
Bigeye Shiner  
Blacknose Shiner  
Bluehead Shiner  
Tailfin shiner  
Weed Shiner  
Cyprinella venusta  
Cyprinella rubicunda  
Northern Redhorse  
Northern Walleye  
Northeast Darter  
Western Sand Darter  
Iowa Darter  
Harlequin Darter  
Eastern Sand Darter  
Theostoma alpinum  
Theostoma clarum  
Theostoma exilis  
Theostoma histrio  
Theostoma pallidum

## b) THREATENED FISHES OF ILLINOIS

Least Brook Lamprey  
Cisco  
Ironcolor Shiner  
Blackchin Shiner  
River Redhorse  
Longnose Sucker  
Banded Killifish  
Spotted Sunfish  
Bantam Sunfish  
Lampetra aepyptera  
Coregonus artedii  
Notropis chalybaeus  
Notropis heterodon  
Moxostoma carinatum  
Catostomus commersoni  
Fundulus diaphanus  
Lepomis punctatus  
Lepomis symmetricus

## c) ENDANGERED AMPHIBIANS AND REPTILES OF ILLINOIS

Hellbender  
Silver Salamander  
Cryptobranchus alleganiensis  
Ambystoma platineum



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE ADOPTED AMENDMENTS

Sheepnose  
 Clusnell\*\*  
 Ohio Pigtoe  
 Pyramid Pigtoe  
 Kidneyshell  
 Ranshell  
 Round-tailed Hoopoe  
 Pouchbeak\*\*  
 Purple Gallinule  
 Ruffed Grouse  
 Rainbow  
 Little Spectacled  
 Wavy-billed Cuckoo  
 Higgins' Eye Pearly Mussel\*\*  
 Tennessee Riffleshell  
 Snuffbox

## Crustaceans

Anomalous Spring Amphipod  
 Appalachian Valley Cave

## Amphipod

Pacard's Cave Amphipod  
 Illinois Cave Amphipod  
 Iowa Amphipod  
 Indiana Crayfish  
 Kentucky Crayfish  
 Oxbow Crayfish  
 Crayfish  
 Isopod

## Dragonflies

Hine's Emerald's Dragonfly\*\*

## Leafhoppers

Leafhopper

## Butterflies and Moths

Eryngium Stem Borer  
 Argos Skipper  
 Hoary Elfin  
 Karner Blue Butterfly\*\*

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE ADOPTED AMENDMENTS

Swamp Metalmark  
 Cataphelis muticum

## 3) THREATENED INVERTEBRATE ANIMALS OF ILLINOIS

## Mussels

Ebonyshell  
 Elephant-ear  
 Spike  
 Butterfly mussel

## Crustaceans

Bousfield's Amphipod

## Dragonflies

Elfin Skimmer

## Leafhoppers

Redveined Prairie Leafhopper

## Butterflies

Cobweb Skipper  
 Otter Skipper

(Source: Amended at 21 Ill. Reg. 3118 effective

3118, effective

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: The Taking of Wild Turkeys - Spring Season

- 2) Code Citation: 17 Ill. Adm. Code 710

- 3) Section Numbers: Adopted Action:

710.10 Amendments

710.30 Amendments

710.50 Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

- 5) Effective Date of Rulemaking: March 3, 1997

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date filed in Agency's Principal Office: March 3, 1997

- 9) Notice of Proposal Published in Illinois Register: December 2, 1996, 20 Ill. Reg. 15145

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between Proposal and final version: In Section 710.50(c), "Lake Vermilion" was changed to [Little Vermilion].

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: The amendments to this Part open Grundy, Henry, LaSalle and Warren counties to spring wild turkey hunting. Six new State-owned or -managed areas will be open to hunting. These six areas include Ferne Clyffe State Park, Cedar Bluffs Bluff Hunting Area, Horseshoe Lake Conservation Area (Alexander County), East Conant, Ferne Clyffe Hunting Area, Little Vermilion River Natural Area, and Sato.

- 16) Information and questions regarding these adopted amendments shall be directed to:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENT

Jack Price  
Department of Natural Resources  
524 S. Second Street, Room 430  
Springfield, IL 62701-1787  
217/782-1809

The full text of the Adopted Amendments begins on the next page:



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER e: LAW ENFORCEMENT

## PART 710

## THE TAKING OF WILD TURKEYS - SPRING SEASON

Section  
710.5 Hunting Zones  
710.10 Hunting Seasons  
710.20 Statewide Turkey Permit Requirements  
710.21 Turkey Permit Requirements - Special Hunts (Renumbered)  
710.22 Turkey Permit Requirements - Landowner/Tenant Permits  
710.25 Turkey Permit Requirements - Special Hunts  
710.30 Turkey Hunting Regulations  
710.40 Other Regulations (Repealed)  
710.50 Regulations at Various Department Owned or Managed Sites  
710.60 Releasing or Stocking of Turkeys

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ICES 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 1, 1984; amended at 9 Ill. Reg. 6200, effective April 1, 1985; amended at 10 Ill. Reg. 6200, effective April 1, 1985; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 1, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4163, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1156, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 1, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 3125, effective MAR 13 1996.

## Section 710.10 Hunting Seasons

a) Northern Zone Season Dates:

1st Season: Monday, April 13 to Friday, April 18, 1997  
1997 1996  
2nd Season: Saturday, April 19 to Thursday, April 24,  
1997 1995-1996

## DEPARTMENT OF NATURAL RESOURCES

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3rd Season: Friday, April 25 to Friday, May 2, 1997 97  
1996  
4th Season: Saturday, May 3 to Wednesday, May 14, 1997 157  
1996

b) Southern Zone Season Dates:  
1st Season: Monday, April 7 to Friday, April 11, 1997 127  
1996  
2nd Season: Saturday, April 12 to Thursday, April 17, 1997 174  
1997 187-1996  
3rd Season: Friday, April 18 to Friday, April 25, 1997  
1996-1996  
4th Season: Saturday, April 26 to Wednesday, May 7, 1997  
87-1996

c) Open Counties:

Adams  
Brown  
Bureau  
Cahoon  
Carroll  
Cass  
Clark  
Coles  
Culland  
Fulton  
Greene  
Grundy  
Hancock  
Henderson  
Henry  
Jersey  
Jo Daviess  
Knox  
LaSalle  
Lee  
Macoupin  
Marshall-Putnam  
Mason  
McDonough  
Menard  
Mercer  
Montgomery  
Morgan  
Ogle  
Peoria  
Pike  
Rock Island  
Schuyler

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENT

Scott  
Shelby  
Stephenson  
Tazewell  
Vernilion  
Warren  
Whiteside  
Winnebago  
Woodford  
SOUTHERN ZONE  
Alexander  
Bond  
Clay  
Clinton  
Crawford  
Kankakee  
Madison  
Marion  
McHenry  
Gallatin-Hardin  
Jackson  
Jasper  
Jefferson  
Johnson  
Lawrence  
Madison  
Marion  
Monroe  
Perry  
Pope  
Pulaski  
Randolph  
Richland  
Saline  
St. Clair  
Union  
Washington  
Wayne  
Williamson

(Source: Amended at 21 Ill. Reg. 3125, effective

## Section 710.30 Turkey Hunting Regulations

It is unlawful:

- a) to use live turkey decoys, recorded calls, dogs, or bait (an area is considered as baited during the presence of and for 10 consecutive days following the removal of the bait);

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENT

- b) to take any wild turkey except a hen with a visible beard or a gobbler (male);
- c) to take, or attempt to take, more than three wild turkeys during the spring season, one must have a valid permit for each turkey that is taken;
- d) to use any weapon except a shotgun or bow and arrow. #4 shot is the largest and #7 1/2 is the smallest size shot that may be legally used. Archers may use a long, recurved, or compound bow with a minimum pull of 40 pounds at some point within a 28-inch draw; an arrow with a metal barbed broadhead that cannot pass through a 7/8 inch diameter hole is the only legal arrow. Any mechanical device capable of maintaining a drawn position or partially drawn position on a bow is illegal. All other bows and arrows, including electronic arrow tracking systems, are illegal;
- e) to hunt except from 1/2 hour before sunrise to noon during each day of the season;
- f) for any person having taken the legal limit of wild turkey(s) to further participate with a weapon in any hunting party for the purpose of taking additional wild turkeys;
- g) for any person to possess while in the field during wild turkey season any hunting permit issued to another person (permits are non-transferable);
- h) to transport or leave a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill and before the turkey is moved, transported or field dressed. The wild turkey shall be taken whole (or field dressed) to the designated check station for the county in which it was killed, or the closest check station. The hunter in person, by 2:00 P.M. the same day it was killed. It will be checked, tagged and recorded by the Department at the check station;
- i) for any person to shoot a wild turkey while it is in a tree before 7:00 a.m.;
- j) for any person to hunt wild turkeys without possessing a Wild Turkey Hunting Permit which shall include the hunter's signature, date-of-birth, firearm-owner's identification number-unless-exempt, hunting license-number-unless-exempt-and-physical-description recorded on the permit and carried on the person while hunting;
- k) for any person to use a turkey call that imitates sounds made by a turkey or to attempt to call a turkey by making these sounds while in the field from March 15 through the day before turkey season in counties open to turkey hunting.

(Source: Amended at 21 Ill. Reg. 3125, effective  
MAY 13 1997)

## Section 710.50 Regulations at Various Department Owned or Managed Sites

- a) Hunters must sign in/sign out at all sites in subsections (b) and (c)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENT

which are followed by a (1).

b) Statewide regulations shall apply for the following sites:

Anderson Lake Conservation Area (1)  
 Argyle Lake State Park (1)  
 Cache River State Natural Area (1)  
 Campbell Pond Wildlife Management Area  
 Carlyle Lake Wildlife Management Area  
 Dog Island Wildlife Management Area (1)  
Ferne Clyffe State Park - Cedar Draper Bluff Hunting Area (1)  
 Fort de Chartres State Historic Site (muzzleloading shotgun or archery only) (1)  
 Franklin Creek State Park (1)  
 Giant City State Park (1)  
Horseshoe Lake Conservation Area - Alexander County (controlled Joseph Huntlin area and public hunting area only)  
 I-24 Wildlife Management Area (1)  
 Jubilee State Park (archery only) (1)  
 Kaskaskia River State Fish and Wildlife Area (except for that area lying north of Highway 154, east of the Kaskaskia River, and south of the Risdon School Road and Beck's Landing access road) (1)  
 Kinkaid Lake Fish and Wildlife Area (1)  
 Mark Twain National Wildlife Refuge, Gardner Division  
 Mississippi River Fish and Wildlife Area (pools 21, 22, 24, 25, 26)  
 Mississippi River Pools 16, 17 & 18  
 Oakford Conservation Area  
 Pere Marquette State Park (designated area only) (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENT

Ray Norbut Fish and Wildlife Area (1)

Rend Lake State Fish and Wildlife Area

Saline County Fish and Wildlife Area (1)

Sangamon Conservation Area

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area - Firing Line Unit and Public Hunting Area only (1)

Weinberg-King State Park (1)

Wildcat Hollow State Forest (1)

c) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20. This permit is only valid for the specific site and season indicated on the permit.

Beaver Dam State Park

Big Bend State Fish and Wildlife Area

Big River State Forest (1)

Castle Rock State Park (1)

Chauncey Marsh

Crawford County Conservation Area

East Conant

Ferne Clyffe Hunting Area (1)

Ferne Clyffe State Park (1)

Fox Ridge State Park (first 2 seasons only) (1)

Hamilton County Conservation Area

Hidden Springs State Forest (first 2 seasons only) (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENT

Kickapoo State Park (1)

Lake Shelbyville-Corps of Engineers Managed Lands (Shelby County)

Little Vermilion River Natural Area (1)

Louden Miller State Forest (1)

Mackinaw River Fish and Wildlife Area (1)

Middlefork Fish and Wildlife Management Area (1)

Mississippi Palisades State Park (1)

Newton-Sake-State-Fish-and-Wildlife-Area

Panther Creek Conservation Area

Pere Marquette State Park (Plaza, Quotoga, Potawatomi Camp Areas)  
(no hunting allowed on weekends)

Pyramid State Park (1)

Ramsey Lake State Park (1)

Randolph County Conservation Area (1)

Red Hills State Park

San Dale Lake Conservation Area (1)

San Parr State Park

Sand Ridge State Forest

Sangamois Conservation Area (Squirrel Timber Unit) (1)

Sato

Silcoam Springs State Park (1)

Site M

Stephen A. Forbes State Park (1)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENT

Witkowski State Wildlife Area (1)

Wolf Creek State Park (first 2 seasons only) (1)

(Source: Amended at 21 Ill. Reg. 31 25, effective  
\_\_\_\_\_)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993

- 2) Code Citation: 68 Ill. Adm. Code 1240

- 3) Section Numbers:

1240.5 Adopted Action:  
 1240.5 Renumbered  
 1240.55 Renumbered  
 1240.65 Renumbered  
 1240.70 Renumbered  
 1240.100 New Section  
 1240.110 New Section  
 1240.120 New Section  
 1240.130 New Section  
 1240.140 New Section  
 1240.150 New Section  
 1240.160 New Section  
 1240.170 New Section  
 1240.180 New Section  
 1240.190 New Section  
 1240.200 Renumbered and Amended  
 1240.210 Renumbered  
 1240.220 Renumbered  
 1240.230 Renumbered

- 4) Statutory Authority: Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 (225 ICS 446)

- 5) Effective Date of Amendments: March 4, 1997

- 6) Does this rulesmaking contain an automatic renewal date? No

- 7) Do these Rules contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: March 4, 1997

- 9) Date Notice of Proposal Published in Illinois Register: November 15, 1996, at 20 Ill. Reg. 14708

- 10) Has JCAR issued a Statement of Objections to these Rules? No

- 11) Differences(s) between Proposal and final version: There are no changes from the proposed version to the final version.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

- 13) Will these Rules replace Emergency Rules currently in effect? Yes

- 14) Are there any Amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: This rulesmaking establishes requirements and procedures for obtaining a locksmith license in Illinois. Individuals who present proof to the Department of Professional Regulation that they were actively engaged as locksmiths or as supervisors, managers or administrators of a locksmith business for 3 years out of the 5 years immediately preceding January 1, 1996, and who meet all other requirements of the Act, may obtain locksmith licenses under grandfather provisions of the Act. This will enable them to obtain locksmith licenses without examination. The grandfather period will end January 1, 1998.

Those seeking licensure by examination will need to apply to the Department at least 60 days prior to the exam date. They must pass the exam with a score of at least 70 and meet other requirements specified in the rules. One of these requirements is proof of at least \$1 million of liability insurance.

Employees of any locksmith agency certified under the Act will be required to complete, within 30 days after their employment, a 20-hour basic training course described in the rules.

The rules also tell how to qualify for and obtain a permanent employee registration card and under what circumstances the Department may refuse to issue such a card.

Renewal of locksmith licenses will be every 3 years, beginning May 31, 1999. Also beginning with the May 1999 renewal, locksmith agency and branch office registration will expire on August 31, every 3 years. Beginning with the May 2000 renewal, every employee registration card issued under the Act shall expire on May 31 every 3 years.

Other new Sections list recordkeeping and reporting requirements.

Renumbered under "Subpart B: General" are Sections pertaining to requests for duplicate certificates, conduct of hearings, investigation by the Department and the granting of variances from these rules.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation  
 Attention: Jean Courtney  
 320 West Washington, 3rd floor  
 Springfield, Illinois 62786  
 217/785-0813 Fax: 217/782-7645

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1240

## PRIVATE DETECTIVE, PRIVATE ALARM, AND

## PRIVATE SECURITY, AND LOCKSMITH ACT OF 1993

## SUBPART A: PRIVATE DETECTIVE, PRIVATE ALARM AND PRIVATE SECURITY

Section	
1240.5	Licensure Under Section 6 of the Act (Repealed)
1240.7	Exemption from Examination and Licensure - Private Detective and
1240.10	Application for Examination and Licensure - Private Detective and
1240.15	Private Security Contractors
1240.16	Application for Examination and Licensure - Private Alarm Contractor
1240.20	Registration of Proprietary Security Force
1240.25	20-Hour Basic Training Course - General
1240.30	20-Hour Basic Training Course - Security Guards and Alarm Runners
1240.35	Firearm Training Course
1240.40	Approval of Training Programs and Instructors
1240.41	Permanent Employee Registration Cards
1240.45	Refusal to Issue Employee Registration Card or Firearm Authorization
1240.46	Card Due to Criminal History Record Information
1240.47	Firearm Authorization Cards
1240.48	Recordkeeping Requirements
1240.50	Uniforms
1240.51	Renewals
1240.55	Requests for Duplicate Certificates (Renumbered)
1240.60	Endorsement
1240.65	Restoration
1240.66	Conduct of Hearings (Renumbered)
1240.70	Investigation by the Department (Renumbered)
	Granting Variances (Renumbered)

## SUBPART B: LOCKSMITH

Section	
1240.100	Application for Licensure without Examination - Grandfather
1240.110	Application for Examination and Licensure - Locksmith
1240.120	20 Hour Basic Training Course - Locksmith
1240.130	Permanent Employee Registration Cards
1240.140	Refusal to Issue Employee Registration Card
1240.150	Recordkeeping Requirements
1240.160	Reporting Requirements
1240.170	Renewals
1240.180	Endorsement

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

1240.190 RestorationSUBPART C: GENERAL

Section 1240.200 Requests for Duplicate Certificates  
 Section 1240.210 Conduct of Hearings  
 Section 1240.220 Investigation by the Department  
 Section 1240.230 Granting Variances

AUTHORITY: Implementing the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 (225 ILCS 446) and authorized by Section 60(7) of the Civil Administrative Code of Illinois (20 ILCS 2105/60(7)).

SOURCE: Rules and Regulations promulgated for the Administration of the Illinois Detective Act, effective October 7, 1975; amended at 4 Ill. Reg. 22, P. 251, effective May 15, 1980; codified at 5 Ill. Reg. 11032; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 8208, effective July 15, 1982; emergency amendment at 8 Ill. Reg. 903, effective January 6, 1984, for a maximum of 150 days; Part repealed and new Part adopted at 9 Ill. Reg. 18512, effective November 15, 1985; transferred from Chapter 1, 68 Ill. Adm. Code 240 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1240 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2967; amended at 12 Ill. Reg. 20143, effective November 15, 1989; amended at 13 Ill. Reg. 3051, effective February 11, 1991; amended effective January 17, 1995; amended at 19 Ill. Reg. 11473, effective January 8, 1995; emergency amendment at 19 Ill. Reg. 11609, effective September 8, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 3191, effective February 2, 1996; emergency amendment at 20 Ill. Reg. 10274, effective October 31, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3135-7, effective MAR 14 1997.

SUBPART A: PRIVATE DETECTIVE, PRIVATE ALARM AND PRIVATE SECURITY

## Section 1240.5 Licensure Under Section 6 of the Act (Repealed)

(Source: Repealed at 17 Ill. Reg. 1579, effective January 26, 1993)

## Section 1240.51 Requests for Duplicate Certificates (Renumbered)

(Source: Section 1240.51 renumbered to Section 1240.200 at 21 Ill. Reg. 3135-8, effective MAR 14 1997)

## Section 1240.65 Conduct of Hearings (Renumbered)

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(Source: Section 1240.65 renumbered to Section 1240.210 at 21 Ill. Reg. 3135-9, effective MAR 14 1997)

## Section 1240.66 Investigation by the Department (Renumbered)

(Source: Section 1240.66 renumbered to Section 1240.220 at 21 Ill. Reg. 3135-10, effective MAR 14 1997)

## Section 1240.70 Granting Variances (Renumbered)

(Source: Section 1240.70 renumbered to Section 1240.230 at 21 Ill. Reg. 3135-11, effective MAR 14 1997)

SUBPART B: LOCKSMITH

## Section 1240.100 Application for Licensure without Examination - Grandfather

A) An individual seeking licensure without examination as a locksmith shall make application to the Department, on forms provided by the Department, by January 1, 1998. The application shall include:

- 1) Three affidavits signed by an employer, or by colleagues if the applicant was self-employed, indicating that the applicant was actively engaged as a locksmith or as a supervisor, manager or administrator of a locksmith business for 3 years out of the 5 years immediately preceding January 1, 1998, to determine such fulfillment of the following minimum standards:
  - a) The applicant shall have at least 12 months of experience of at least 20 work days each month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.

- B) The practice of locksmithing includes, but is not limited to, the servicing, installing, originating first keys, re-coding, manipulation or bypassing of mechanical or electronic locking devices, or bypassing of mechanical or vaults, safe deposit boxes, or automatic teller machines. (Section 5 of the Act)

## 2) Either:

- A) Verification of fingerprint processing from the Illinois Department of State Police or its designated agent. Effective October 1, 1995, applicants shall contact the Illinois Department of State Police or its designated agent for fingerprint processing. Out of state residents unable to utilize the State Police fingerprint process may submit to the Department one set of fingerprint cards issued by the Illinois Department of State Police and one set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 105(d)(13) of the Act; or



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- B) Certification, on forms provided by the Department, of full-time employment as a peace officer in lieu of fingerprint cards. Such verification shall be signed by the employer. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses and has completed the training requirements of the Illinois Police Training Act (50 ILCS 705). For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers.
- 3) 2 photographs 1" x 1" taken within the 3 months preceding application;
- 4) Proof of at least \$1 million of liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and
- 5) The required fee(s) specified in Section 105 of the Act.

(Source: Added at 21 Ill. Reg. 3135, effective \_\_\_\_\_)

## Section 1240.110 Application for Examination and Licensure - Locksmith

- a) An individual seeking licensure by examination as a locksmith shall make application to the Department on forms provided by the Department, at least 60 days prior to the examination. The application form shall include questions necessary for the Department to establish that the applicant meets the qualifications for licensure specified in Section 75(d) of the Act.
- b) The passing score on the examination is 70 or above.
- c) Upon notification of successful completion of the examination, the applicant may apply to the Department for licensure. The application shall include:

- 1) Either:
- A) Verification of fingerprint processing from the Illinois Department of State Police or its designated agent. Effective October 1, 1995, applicants shall contact the Illinois Department of State Police or its designated agent for fingerprint processing. Out of state residents unable to utilize the State Police fingerprint process may submit to the Department one set of fingerprint cards issued by the Illinois Department of State Police and one set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 105(d)(1) of the Act; or
- B) Verification, on forms provided by the Department, of full-time employment as a peace officer in lieu of

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- fingerprint cards. Such verification shall be signed by the employer. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses and has completed the training requirements of the Illinois Police Training Act. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers.
- 2) 2 photographs 1" x 1" taken within the 3 months preceding application;
- 3) Proof of at least \$1 million of liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and
- 4) The required fee(s) specified in Section 105 of the Act.

(Source: Added at 21 Ill. Reg. 3135, effective \_\_\_\_\_)

## Section 1240.120 20-Hour Basic Training Course - Locksmith

- a) Every person employed as a registered employee of a locksmith agency certified under the Act, except as specified in Section 180 of the Act, shall complete, within 30 days after his/her employment, a course of basic training.
- b) The training shall be a minimum of 20 hours of training related to his/her employment that shall be certified by the employer and shall include at a minimum the following subject areas:

## 1) Public Safety Codes (NFPA 80 &amp; NFPA 101)

## A) Life Safety Codes

## B) Building Code

## C) ADA Law

## 2) Practical Locksmithing

## A) Master Keying

## B) Key Records and Codes

## C) Key Blanks and Keyways

## D) Product Liability

## E) Professional Installations

## F) Do Not Duplicate

## 3) Responsibilities as Required by the Act

## A) When to ask for identification

## B) What identification is acceptable

## 4) Personal Employee Registration Card (PERC)

## A) Cause for revoking the card

## B) Disciplinary Sanctions

## C) Penalties

- c) Upon successful completion of the training prescribed above, each

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individual shall be issued by the employer or the instructor a Certification of Completion of the 20-hour Basic Training Course which shall be signed by the instructor. The licensee-in-charge shall be responsible for the documentation of the training.

- d) The certification shall be the permanent record of training and shall be retained by the individual as proof of the training. During the term of the individual's employment with an agency licensed by the Department, the certification or a certified copy shall be filed by the employer with the employee statement and shall remain in the file during the term of employment. Upon termination of employment the original certification shall be returned to the employee.
- e) In the case of an employee who is employed by more than one employer, a notarized copy of the Certification of Completion of the 20-hour Basic Training Course shall be kept with the employee statement in lieu of the original certification.
- f) Basic training materials will be made available to Department personnel upon request to verify content.

(Source: Added at 21 Ill. Reg. 3135, effective \_\_\_\_\_)

## Section 1240.130 Permanent Employee Registration Cards

- a) Any person seeking employee registration under Section 90 of the Act shall file an application with the Department, on forms provided by the Department, along with the following:

- 1) Either:
  - a) Verification of fingerprint processing from the Illinois Department of State Police or its designated agent. Effective October 1, 1999, applicants shall contact the Illinois Department of State Police, its designated agent for fingerprint processing. Out of state residents must submit to the Department one set of fingerprint cards issued by the Illinois Department of State Police and one set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 105(d)(13) of the Act; or
  - b) Verification, on forms provided by the Department, of full-time employment as a peace officer in lieu of fingerprints. Such verification shall be signed by the employer. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses and has satisfied the training requirements of the Illinois Police Training Act. For purposes of this Section, officers

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- a) Agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal law shall be considered peace officers within the 3 months preceding application; and
  - 2) One "x" shall be taken within the 3 months preceding application; and
  - 3) The required registration fee specified in Section 105 of the Act, made payable to the Department of Professional Regulation.
- b) The application, verification of fingerprint processing and the registration fee shall be submitted to the Department prior to the applicant being scheduled to work.
- c) If no record is found affecting the prints, the Department shall issue to the applicant a permanent employee registration card, which shall be valid for the period specified on the face of the card and shall be renewable upon the conditions set forth in Section 1240.50 of this Part.

- d) The employee registration card shall serve as proof to an employer that the bearer thereof is eligible for employment.
- e) Persons who have no access to confidential or security information and who do not provide locksmith services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of reception personnel who have no access to confidential or security information, Confidential or security information is that which pertains to employee files, key records, customer access codes or combinations or technical data.

(Source: Added at 21 Ill. Reg. 3135, effective \_\_\_\_\_)

## Section 1240.140 Refusal to Issue Employee Registration Card

- a) For purposes of this Section, criminal history record information is defined as information collected by certain law enforcement agencies in the Criminal Identification Act (20 ILCS 2630) on individuals consisting of identifiable descriptions and notation of arrests, detention, indictments, incarceration, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision and release. The individual records must contain both information sufficient to identify the subject of the record and notations regarding any formal criminal justice transaction involving the determined individual.
- b) In determining whether an applicant for a permanent employee registration card is unfit for such registration because of criminal history record information, the Department shall consider the following standards:
  - 1) Whether the crime(s) was one of armed violence (see 720 ILCS 5/Art. 33A) or moral turpitude. Moral turpitude consists of:
    - A) Crimes involving dishonesty, false statement or some other

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element of deceit, untruthfulness or falsification (including, but not limited to, perjury, inducement of perjury, false statement, criminal fraud, embezzlement, false pretense, forgery, counterfeiting and theft).

b) DWI offenses including, but not limited to, the Illinois Controlled Substances Act (720 ILCS 570) and Federal Drug Enforcement Laws, 21 U.S.C. 801 et seq.

c) Sex offenses including, but not limited to, all crimes listed in Article 11 of the Criminal Code of 1961 (720 ILCS 5/Art. 11).

2) Whether the crime is related to the Locksmith, detective, security or alarm profession.

3) Whether more than a 10 year period has elapsed since the date of completion of the imposed sentence.

4) Whether the conviction was from a city ordinance violation or violation of the Criminal Code of 1961.

5) Whether the applicant has been sufficiently rehabilitated to warrant the public trust. The Department shall consider, but not be bound by, the following in considering whether an applicant has been resumed to be rehabilitated:

- Completion of probation;
- Completion of parole supervision; or
- If no parole was granted, a period of 10 years has elapsed since the final discharge or release from any term of imprisonment without any subsequent conviction.

c) If any one of the following factors exists, this outweighs the presumption of rehabilitation as defined in subsection (b)(5) above:

- Lack of compliance with terms of punishment (i.e., failure to pay fines or make restitution, violation of the terms of Probation or parole);
- Unwillingness to undergo, or lack of cooperation in, medical or psychiatric treatment/counseling;
- Falsification of an application for registration with the Department;
- Failure to furnish to the Department additional information or failure to appear at a conference with the Department in relation to the applicant's application for registration.

d) The following criminal history records shall not be considered in connection with an application for registration:

- Juvenile adjudications;
- Records of arrest not followed by a conviction;
- Convictions overturned by a higher court;
- Convictions that have been the subject of a pardon or expungement.

e) If determination is made that the applicant is unfit for registration, the applicant shall be so notified in writing that the Department intends to deny or intends to refuse to renew the permanent employee registration card. The applicant/ licensee shall be given an

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opportunity to appear at a Department conference regarding the matter. Failure to appear at the conference shall result in the denial of or the refusal to renew an applicant's permanent employee registration card. If the applicant chooses not to attend the conference, he/she may request a formal hearing regarding such determination prior to final action by the Department in accordance with 68 Ill. Adm. Code 1110.

(Source: Added at 21 Ill. Reg. 3135, effective 1/1/10)

## Section 1240.150 Recordkeeping Requirements

a) Each employer licensed under the Act shall maintain a file on each employee pursuant to Section 80 of the Act. The employee file shall be maintained by the agency for 2 years after termination of the employment. The file shall be accessible to duly authorized representatives of the State Police 24 hours prior to notice, and shall contain the following information:

- A photograph of the employee taken within 10 days of the date the employee commences employment. The photo shall be replaced every 3 calendar years;
- The employee's statement required in Section 80(b) of the Act;
- All correspondence or documents related to the character and integrity of the employee received by the employer from an official source or law enforcement;
- The employee identification card of a terminated employee pursuant to Section 80(h) of the Act;
- Application for employment;
- Certification of Completion of Basic Training as provided in Section 1240.120 of this Part;
- Copy of employee's Permanent Employee Registration Card; and
- Copy of the verification of fingerprint processing from the Illinois Department of State Police or its designated agent.

b) A locksmith who owns a residence or commercial establishment or safe, vault, safe deposit box, automatic teller machine, or other device for safeguarding areas where access is meant to be limited for another, whether or not for compensation, shall document the street address where the work was performed on a work order form. The locksmith shall also document the name, address, telephone number, date of birth, and driver's license number or other identification number of the person requesting the work be done and obtain the signature of that person on the work order form. A copy of each work order form shall be kept by the licensed locksmith for a period of 2 years and shall also include the name and license number of the locksmith or the name and employee identification number of the registered employee who performed the services. Work order forms required to be kept under this subsection shall be available for inspection upon written request

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made 3 days in advance by any law enforcement agency.

c) A locksmith who owns a motor vehicle for another, whether or not for compensation, shall document on a work order form the name, address, telephone number, date of birth, and driver's license number of other identification number of the person requesting entry and obtain the signature of that person. A copy of each work order form shall be kept by the licensed locksmith for a period of 2 years and shall also include the name and license number of the locksmith or the name and employee identification number of the registered employee who performed the services. Work order forms required to be kept under this section shall be available for inspection upon written request made 3 days in advance by any law enforcement agency. (Section 92 of the Act)

(Source: Added at 21 Ill. Reg. 3135, effective 12/1/93)

## Section 1240.160 Reporting Requirements

- a) All licensees and registrants shall notify the Department in writing within 30 days after any conviction(s), arrest(s), and/or indictment(s) against him/her.
- b) All agencies shall submit a monthly roster of employees with PRRC applications) pending with the Department.

(Source: Added at 21 Ill. Reg. 3135, effective 12/1/93)

## Section 1240.170 Renewals

- a) Beginning with the May 1999 renewal, every individual license issued under the Act shall expire on May 31 every 3 years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee set forth in Section 105 of the Act and providing proof of liability insurance as evidenced by a certificate of insurance from the insurer.
- b) Beginning with the May 1999 renewal, every certificate of registration for an agency and every branch office issued under the Act shall expire on August 31 every 3 years. The holder of a certificate of registration may renew such certificate during the month preceding the expiration date thereof by paying the required fee.
- c) Beginning with the May 2000 renewal, every employee registration card issued under the Act shall expire on May 31 every 3 years. The holder of such card may renew such card during the month preceding the expiration date, and shall be required to pay the fee to the Department.
- d) It is the responsibility of each licensee and employee registration card holder to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not

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constitute an excuse for failure to renew one's license or employee registration card or to pay the renewal fee. Practicing on an expired license or employee registration card is unlicensed practice and subject to discipline under Section 130 of the Act.

(Source: Added at 21 Ill. Reg. 3135, effective 12/1/93)

## Section 1240.180 Endorsement

- a) An applicant who is licensed under the laws of another jurisdiction shall file an application with the Department together with:
- A certification from the licensing authority of the jurisdiction stating:

- The time during which the applicant was licensed in that jurisdiction;
  - A brief description of the examination taken and the grades received; and
  - That the jurisdiction has substantially equal rules of endorsement (see Section 100 of the Act); and
- b) The required fee specified in Section 105 of the Act.
- c) If the Department deems the documentation provided by the applicant because of discrepancies or conflicts in information, or missing information, or if the Department needs further information to determine substantial equivalence of the applicant's qualifications for licensure, the applicant will be requested to submit further information as the Department deems necessary to make such determination.

(Source: Added at 21 Ill. Reg. 3135, effective 12/1/93)

## Section 1240.190 Restoration

A licensee seeking restoration of a license shall file an application on forms provided by the Department and shall also submit the following:

- If the license has expired for 6 years or less, the application must be accompanied by the required fees specified in Section 105(d)(17) of the Act or an affidavit attesting to military service as provided in Section 105(c) of the Act.

- If the license has expired for more than 6 years, the application must be accompanied by a request to be scheduled for the next available examination. A fee covering the cost of the examination and the required restoration fee specified in Section 105(d)(18) of the Act.

(Source: Added at 21 Ill. Reg. 3135, effective 12/1/93)



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## SUBPART C: GENERAL

## Section 3240-53 1240.200 Requests for Duplicate Certificates

- a) Requests for duplicate certificates to replace ones that have been lost, stolen or destroyed shall be made in writing to the Department and shall be made by the individuals to whom the certificates were issued.
- b) Any person requesting a duplicate firearm authorization card shall first file a report with the local police authority that specifies the circumstances under which the firearm authorization card was lost, stolen or destroyed.
- c) Requests for a duplicate firearm authorization card shall be accompanied by an affidavit from the person making the request, specifying the date, time and place where the authorization card was lost, stolen or destroyed, and stating the circumstances under which the firearm authorization card was lost, stolen or destroyed. The fee, as required by Section 105 of the Act, shall also accompany the request.
- d) For purposes of this Section, the word "certificates" shall mean and include the following:
  - 1) Individual licenses (Private Detective, Private Security Contractor and Private Alarm Contractor and Locksmith)
  - 2) Certificates of Registration for an agency
  - 3) Licensee Pocket Cards
  - 4) Permanent Employee Registration Cards
  - 5) Certification of Completion of Firearm Training
  - 6) Firearm Authorization Card.

(Source: Section 1240.200 renumbered from Section 1240.51 and amended at 21 Ill. Reg. 9135, effective 10/1/10)

## Section 3240-65 1240.210 Conduct of Hearings

Any hearing conducted by the Department pursuant to Section 130 of the Act shall be conducted in accordance with the Department's Rules of Practice in Administrative Hearings (68 Ill. Adm. Code 1110).

(Source: Section 1240.210 renumbered from Section 1240.65 at 21 Ill. Reg. 9135, effective 10/1/10)

## Section 3240-66 1240.220 Investigation by the Department

- a) The Department may conduct an investigation for the purpose of investigating an applicant or application, an agency, a licensee, a registrant or any other party for an alleged violation of the Act or

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this Part.

- b) The Department may require an applicant, an agency, a licensee or registrant to produce relevant documents, records or any other material pertinent to the investigation of alleged violations of the Act or this Part. Failure to provide such material shall be grounds for disciplinary action, as authorized by Section 120 of the Act.

(Source: Section 1240.220 renumbered from Section 1240.66 at 21 Ill. Reg. 9135, effective 10/1/10)

## Section 3240-79 1240.230 Granting Variances

- a) The Director may grant variances from these rules in individual cases where he/she finds that:
  - 1) The provision from which the variance is granted is not statutorily mandated;
  - 2) The party will be injured by the granting of the variance; and
  - 3) The party from whom the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of such variance, and the reasons therefor, at the next meeting of the Board.

(Source: Section 1240.230 renumbered from Section 1240.70 at 21 Ill. Reg. 9135, effective 10/1/10)

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- 1) Heading of the Part: Collections and Recoveries
- 2) Code Citation: 89 Ill. Adm. Code 165
- 3) Section Numbers: Adopted Action:  
165.40 Amendment  
165.84 Amendment  
165.86 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: February 28, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 28, 1997
- 9) Notice of Proposal Published in Illinois Register: October 11, 1996 (20 Ill. Reg. 13148)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between Proposal and final version: No changes were made in the text of the proposed amendments. However, the Ill. Rev. Stat. citation was deleted from the AUTHORITY NOTE.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the attachment letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Pursuant to provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (H.R. 3734) enacted August 22, 1996, 7 CFR 273.18(d)(3)(v)(D) and 7 CFR 273.18(d)(4)(ii), these amendments make changes in the following Food Stamp Program provisions:
  - the calculation of overpayments;
  - the recoupment of agency error claims; and
  - the response time to an initial demand letter for repayment of an

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intentional program violation, an inadvertent household error or an administrative error claim.

As a result of this rulemaking, the earned income deduction will not be used when the amount of an overpayment is calculated, if the food stamp household failed to report the earned income. These amendments establish that when a food stamp household has an agency error overpayment, the reduction amount will be the greater of \$10.00 or 10 percent of the household's monthly benefit amount. In addition, if a currently participating household fails to respond within 10 days after the date of mailing of an initial demand letter for repayment of an intentional program violation, an inadvertent household error or an administrative error claim, the household's monthly benefit amount will be reduced without further notice.

Companion amendments are also being adopted in 89 Ill. Adm. Code 121.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Judy Dunne  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Avenue East, Third Floor  
Springfield, IL 62762  
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:



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TITLE 89: SOCIAL SERVICES  
CHAPTER 1: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER 1: COLLECTIONS  
PART 165  
COLLECTIONS AND RECOVERIES

## SUBPART A: GENERAL OVERPAYMENT PROVISIONS

Section  
165.1 Incorporation By Reference  
165.10 Overpayments  
165.20 Determination of Financial Assistance Overpayments  
165.30 Types of Food Stamp Overpayment Claims  
165.40 Determination of Food Stamp Overpayments  
165.42 Establishment of Claims for Food Stamp Overpayments  
165.50 Suspension and Termination of Food Stamp Claims

## SUBPART B: COLLECTION OF FINANCIAL ASSISTANCE OVERPAYMENTS FROM CURRENT CASES

Section  
165.70 Recoupment of Overpayments from Current Aid to Families with Dependent Children (AFDC), Aid to the Aged, Blind or Disabled (AABD) and General Assistance (GA) Cases

## SUBPART C: COLLECTION OF FOOD STAMP OVERPAYMENTS FROM CURRENTLY PARTICIPATING HOUSEHOLDS

Section  
165.80 Initiating Collection from Currently Participating Households  
165.82 Methods of Food Stamp Claim Repayment  
165.84 Determination of Monthly Benefit Reduction Amount  
165.86 Failure to Respond to Initial Demand Letter  
165.88 Failure to Comply with Repayment Schedule

## SUBPART D: COLLECTION OF OVERPAYMENTS FROM NON-RECIPIENTS

Section  
165.100 Collection of Overpayments from Persons Not Receiving Financial Assistance or Food Stamps  
165.102 Demand for Repayment  
165.104 Methods of Involuntary Repayment  
165.106 Effect of Return to Active Assistance Status

AUTHORITY: Implementing and authorized by Sections 11-18, 12-4.4 and 12-13 of the Illinois Public Aid Code (305 ILCS 5/11-18, 12-4.4 and 12-13).

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SOURCE: Recodified from 89 Ill. Adm. Code 102.100 and 102.110 and 89 Ill. Adm. Code 121.200 through 121.208 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 10604, effective May 29, 1987; amended at 12 Ill. Reg. 18192, effective November 4, 1988; amended at 13 Ill. Reg. 3843, effective March 17, 1989; amended at 17 Ill. Reg. 8187, effective May 24, 1993; amended at 17 Ill. Reg. 18113, effective September 29, 1993; emergency amendment at 20 Ill. Reg. 13376, effective October 1, 1996; for a maximum of 150 days; amended at 21 Ill. Reg. 3151, effective FEB 2, 1997.

## SUBPART A: GENERAL OVERPAYMENT PROVISIONS

## Section 165.40 Determination of Food Stamp Overpayments

The Department determines the amount of a food stamp food-stamp overpayment claim by comparing the correct amount of food stamp food-stamp benefits if any, the household was entitled to receive, based on actual income and expenses, to the amount actually received, beginning with the month of overpayment. The amount received which is in excess of the correct amount is the amount of the overpayment. The earned income deduction is not allowed when the amount of an overpayment is calculated, if the household failed to report the earned income.

a) The determination of an intentional program violation, an inadvertent household error, or an administrative error overpayment shall not include any amount of overpayment for any month that is more than six (6) years before the discovery date of the overpayment.

b) Where an intentional failure to report a change in circumstances constitutes the intentional program violation, the first month of overpayment is the month the change would have been effective if it had been reported.

c) For an inadvertent household error and an administrative error overpayment overpayments, where the overpayment resulted from an unreported change or the Department's inaction on a reported change, the first month of overpayment is the month the change would have been effective had it been reported or acted on in a timely manner.

(Source: Amended at 21 Ill. Reg. 3151, effective FEB 2, 1997.)

## SUBPART C: COLLECTION OF FOOD STAMP OVERPAYMENTS FROM CURRENTLY PARTICIPATING HOUSEHOLDS

## Section 165.84 Determination of Monthly Benefit Reduction Amount Allowance Reductions

a) The monthly allowance reduction for administrative error claims is negotiated with the household. Before the Department determines the household's coupon allowance the household must agree with the amount of the reduction and has a right to renegotiate the amount--in--the

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event--of--changed-circumstances--since--the--establishment--of--the--claim--  
Examples--of--changed-circumstances--include--the--following:

- 1) a change in household member's income
- 2) a change in household composition; and
- 3) a change in household shelter expenditures.

a) For an intentional program violation claim, the reduction amount is the greater of either 20 percent of the household's monthly benefit, \$10.00, or \$10.00.

b) For an inadvertent household error or an administrative error claim, the reduction amount is the greater of either 10 percent of the household's monthly benefit amount, \$10.00, or \$10.00.

(Source: Amended at 21 Ill. Reg. 3151, effective 1/1/82.)

## Section 165.86 Failure to Respond to Initial Demand Letter

If a currently participating household fails to respond within ten thirty--(30) days after of the date of mailing of an to-the initial demand letter for repayment of an intentional program violation, an or inadvertent household error or an administrative error claim, the Department shall reduce the household's monthly benefit amount without further notice.

(Source: Amended at 21 Ill. Reg. 3151, effective 1/1/82.)

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1) Heading of the Part: Food Stamps

2) Code Citation: 89 Ill. Adm. Code 121

3) Section Numbers: Adopted Action:  
121.7, 121.20, 121.22  
121.23, 121.24, 121.25, 121.26 Repealed; New Section  
121.27, 121.29, 121.30, 121.31 Amendment  
121.50, 121.57, 121.60, 121.61 Amendment  
121.63, 121.64, 121.70, 121.71 Amendment  
121.75, 121.91, 121.92 Amendment  
121.131 New Section  
121.151, 121.182 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ICS 5/12-13], H.R. 3734 and 7 CFR 273

5) Effective Date of Amendments: February 28, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 28, 1997

9) Notice of Proposal Published in Illinois Register:

August 2, 1996 (20 Ill. Reg. 10263)  
October 11, 1996 (20 Ill. Reg. 13511)  
October 18, 1996 (20 Ill. Reg. 13515)  
October 25, 1996 (20 Ill. Reg. 13908)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:

1. In Section 121.7(a)(1), the comma after "\$150" was struck and an underlined semicolon was added.
2. In Section 121.7(a)(2), the period after "destitute" was struck and an underlined semicolon was added.
3. In Section 121.7(a)(2)(B)(i), "farm worker" was struck and "farmworker" was added.
4. In Section 121.7(e), the asterisk was struck and replaced by "Households entitled to extended service are given an interview

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appointment on the day the signed application is filed." The AGENCY NOTE at the end of Section 121.7 was struck.

5. In Section 121.7(g), "saving" was struck and "savings" was added.
6. In Section 121.20(b)(1)(B), "was" was changed to "is".
7. In Section 121.20(b)(1)(D) was added as follows:

"Aliens in this category who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the alien entered the United States."
8. In Sections 121.20(b)(3)(A), (B) and (C), "Immigration and Nationality Act (INA)" was changed to "INA".
9. In Section 121.20(c), "prior to August 22, 1997" was changed to "after April 1, 1997".
10. In Section 121.30(b)(1), "[305 ILCS 5/BA-2 or 5/BA-7]" was changed to "[305 ILCS 5/BA-2 or 8A-7]".
11. In Section 121.31(b)(4), "to" was added after "than".

12. In Section 121.31(b)(5), the period after "assistance" and the period after the closing parenthesis were struck and underlined semicolons were added.

13. In Section 121.31(i)(1), the comma after "VISTA" was struck.

14. In Section 121.31(k), "Federal" was struck.

15. In Section 121.57(b)(1), the strike thru was removed from the comma.

16. In Section 121.61(a)(1)(E) and (H), "service connected" was hyphenated.

17. In Section 121.61(a)(1)(H), "non-service connected" was changed to "nonservice-connected".

18. In Section 121.61(a)(2), "in writing" was enclosed in underlined commas and "the" was added before "observation".

19. In Section 121.63(f)(1), "\$247.00" was stricken and "\$250.00" was added.

20. In Section 121.63(f)(2), "the" was added before "excess".

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21. In Section 121.63(n), "Deductions" was struck and "Deduction" was added.

22. In Section 121.70(a)(4)(B)(i), "the" was added before "observation".  
Section 121.22, 121.23, 121.24, 121.25, 121.26, 121.27, 121.29, 121.31, 121.63, 121.71 and 121.75

1. In Section 121.22(g), the comma after "information" was struck.
2. In Section 121.23(b)(2), "a" as added before "new".
3. In Section 121.23(b)(3), "value" was changed to "12".
4. In Section 121.23(c), "Food Stamp" was changed to the lower case.
5. In Section 121.23(f)(5), the "and" after "121.85" and "114.85" were deleted and replaced by commas.
6. In Section 121.24(b), "members" was changed to "member".
7. In Section 121.24(e)(3), the hyphens were removed from "re-evaluated" and "re-evaluation".

8. In Section 121.24(g), an underlined comma was inserted after "gainful employment", "\$4.25" was changed to "\$4.75 per" and "of" was changed to "after".

9. In Section 121.25(b), "of" was changed to "after".

10. In Section 121.25(d), the comma after "control" was deleted, an underlined comma was inserted after "such as" and "11" and "age" was pluralized. Also, "Section 121.75(a)(3)" was changed to "Section 121.75(a)(4)".

11. In Section 121.26(a)(3), "sancion" was changed to "sanction".

12. In Section 121.27(c)(3), "self employed" was hyphenated.

13. In Section 121.31(a), the period after "HUD" was struck.

14. In Section 121.31(b), "and" was added after "payments".

15. In Section 121.31(i)(2), a comma was added after "1979" and the final period was struck and replaced by ".".

16. In Section 121.63(f)(4)(A), the final period was struck and replaced by ".".

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17. In Section 121.63(f)(4)(B), the final period was struck and replaced by "and".

18. In Section 121.71, the comma after "time" was deleted.

19. In Section 121.75(b), "Section 121.75(a)" was replaced by "subsection (a) of this Section".

Sections 121.61, 121.91 and 121.92

1. In Section 121.61(a)(1)(A), "in which" was added after "month".

2. In Sections 121.61(a)(1)(E) and (H), "service connected" was hyphenated.

3. In Sections 121.61(a)(1)(E), (G) and (H), "Administration" was struck and replaced by "Affairs".

4. In Section 121.61(a)(1)(H), "non-service connected" was changed to "nonservice-connected".

5. In Section 121.91(a), "121.91" was changed to "273.21 and subsections".

6. In Section 121.91(b), "See" was changed to the lower case.

7. In Section 121.91(k), the period was moved to the inside of the parenthesis.

8. In Sections 121.92(a), (b)(1), (c)(1)(C), (c)(1)(D), (d), (f) and (g), "Food Stamps" was changed to the lower case.

9. In Sections 121.92(b) and (c), "Head of Household" was changed to the lower case.

10. In Section 121.92(c)(1), an underlined comma was added after "Application".

11. In Section 121.92(c)(1)(B), "expedited services" was changed to "expedited service".

12. In the final subsection of 121.92, "f" was changed to "g".

12) Have all the changes agreed upon by the agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes

13) Will these amendments replace Emergency Amendments currently in effect? Yes. Some portions of these amendments will replace emergency amendments

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which were adopted effective October 1, 1996, and published at 20 Ill. Reg. 13381.

14) Are there any Amendments pending on this Part? Yes

Sections Numbers Proposed Action Illinois Register Citation

121.93	Amendment	August 30, 1996 (20 Ill. Reg. 11581)
121.94	Amendment	August 30, 1996 (20 Ill. Reg. 11581)
121.98	New Section	August 30, 1996 (20 Ill. Reg. 11581)

15) Summary and Purpose of Amendments:

Sections 121.7, 121.20, 121.30, 121.31, 121.50, 121.57, 121.60, 121.61, 121.63, 121.64, 121.70, 121.131 and 121.151

The Department is revising its food stamp rules based on the new requirements under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193), which was enacted on August 22, 1996 and provisions in 7 CFR 273. In accordance, these amendments make changes in the following Food Stamp Program provisions:

- Expedited Service;
- Non-citizens;
- Unearned Income;
- Exempt Earned Income of Children;
- Fair Market Value of Licensed Vehicles;
- Gross and Net Monthly Income Eligibility Standards;
- Shelter Costs Deduction;
- Changing Between Actual Expenses and the Standard Utility Allowance;
- Food Stamp Benefit Amounts;
- Household Composition;
- Fleeing Felons and Probation/Parole Violators; and
- Disqualification Penalties for Intentional Program Violations.

These amendments establish that food stamp units which are homeless will not qualify for expedited service solely on the basis of homelessness.

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However, homeless persons may still qualify for expedited service if their income is less than \$150 and their liquid assets are less than \$100 as described in Section 121.7.

The amendments in Section 121.131 are revised to provide that only the following groups of non-citizens will be eligible for food stamps:

1. A non-citizen, lawfully admitted for permanent residence, meets the citizenship requirement for food stamps if he or she is credited with 40 qualifying work quarters. Qualifying quarters worked by a parent a spouse count toward meeting the 40 quarters of work requirement. However, all persons in this category who enter the United States on or after August 22, 1996, will not be eligible for five years beginning on the date the alien entered the United States.
  2. A non-citizen who is:
    - a veteran honorably discharged from the U.S. military service;
    - a person in active U.S. military service; or
    - a spouse or dependent child of a veteran or a person in active U.S. military service.
  3. For 5 years after the status is attained, non-citizens who are:
    - refugees admitted under section 207 of the Immigration and Nationality Act (INA);
    - asylees admitted under section 208 of the INA;
    - persons whose deportation was withheld under section 243(h) of the INA.
- Due to the elimination of the Energy Payment Amount, this rulemaking deletes the exemption for that portion of cash assistance payments designed as being for the purpose of energy assistance.
- Revisions are being made in Section 121.50 to exempt the earned income of a child residing in the household who is under 18 years of age and who is an elementary or secondary school. This exemption is not altered by temporary interruptions in school attendance, provided the child's enrollment will resume following the break. The earnings of a child are exempt if the child:
1. is age 17 or under;
  2. attends elementary or secondary school; and

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3. is under the parental control of another food stamp household member.

As a result of these amendments, the exemption for the fair market value of a licensed vehicle is increased to \$4,650. In addition, the food stamp benefit amounts, the gross and net monthly income eligibility standards and the shelter costs deduction are being increased.

A deduction for utility costs is allowed in the determination of the household's adjusted net monthly food stamp income amount. Either the household's actual utility costs or the standard utility allowance is used when the amount of the household's adjusted net monthly food stamp income is calculated. This rulemaking establishes that changes between using actual utility costs and the standard utility allowance can only be made at recertification.

A revision is being made in the rules to provide that children under age 22 living with their parents must be included in the same food stamp unit as their parents, even when they live with their spouse or children.

A new Section is being added to the rules so that fleeing felons and probation and parole violators will be ineligible for food stamp benefits. Individuals will be ineligible to receive food stamp benefits if they are:

1. fleeing the law to avoid prosecution, custody or confinement after conviction for a crime or attempting to commit a crime that is a felony under the law from the place from which the person is fleeing; or
  2. violating a condition of probation or parole imposed under a federal or State law.
- As a result of these amendments, the disqualification penalties for intentional program violations are increased as follows:
- 12 months for the first violation; and
  - 24 months for the second violation.

In addition, a person will be permanently disqualified if he or she is convicted of trafficking food stamp benefits of \$500 or more. A person will also be disqualified from receiving food stamp benefits for ten years when an Administrative Disqualification Hearing or a federal or State court convicts him or her of making a false statement or representation about his or her identity or residence and as a result he or she receives more than one food stamp issuance at the same time.

Companion Amendments are also being adopted in 89 Ill. Adm. Code 165.

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Sections 121.22, 121.23, 121.24, 121.25, 121.26, 121.27, 121.29, 121.31, 121.63, 121.71 and 121.75

In accordance with provisions of 7 CFR 273 and Section 13921 of the Micky Leland Childhood Hunger Relief Act, these amendments make the following changes to the Food Stamp Program:

- revises enumeration process;
- adds, previously repealed, work registration/participation requirements;
- revises voluntary quit provisions;
- adds deduction for payment of child support;
- revises living arrangement provisions for children who receive cash assistance; and
- changes provisions for students.

All of these changes are intended to maintain consistency with Federal regulations governing food stamps (7 CFR 273) including recent changes in these regulations.

(Section 121.22) Enumeration Process

With the exception of categorically eligible households and households entitled to expedited service, all members of the food stamp household must furnish to the Department a social security number or provide proof of application for a social security number. This rulemaking establishes that applications for social security cards are to be completed at a Social Security District Local Office or completed by the Enumeration at Birth Program. Based on an agreement with the Social Security Administration, local offices will no longer be involved in processing applications for social security numbers.

(Sections 121.23, 121.24, 121.25, 121.26 and 121.31) Work Registration/Participation Requirements

In accordance with federal regulations at 7 CFR 273.7, these amendments place in the rules, previously repealed, work registration/participation requirements and the penalties for failure to comply with these requirements for the Food Stamp Program. These provisions were repealed in error.

(Sections 121.27 and 121.29) Voluntary Quit Provisions

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Certain households are exempted from the voluntary quit provisions by these amendments. In accordance with federal regulations at 7 CFR 273.7, this rulemaking provides that if the primary wage earner or the only adult household member quits his or her job, the food stamp household is disqualified from receiving food stamp benefits. However, if the food stamp household contains another parent of children in the household, the voluntary quit provisions do not apply.

(Section 121.63) Deduction for Payment of Child Support

This rulemaking changes the way child support payments are considered for food stamp purposes. Pursuant to Section 13921 of the Micky Leland Childhood Hunger Relief Act, this rulemaking adds a deduction for household members paying legally obligated child support when net income is calculated for food stamp benefits. Net income is used to determine the amount of benefits to which a household is entitled. As a result of this rulemaking, a child support deduction will be allowed for the amount of legally obligated child support paid by a household member to or for a nonhousehold member. Allowing a deduction for child support payments encourages compliance with support orders and allows net food stamp income to more accurately reflect the household's ability to buy food.

(Section 121.71) Living Arrangement Provisions for Children who Receive Cash Assistance

These amendments clarify that children who receive AFDC cash assistance, but are not living with the assistance unit full-time, must remain in the same food stamp case as the caretaker relative for the AFDC cash assistance case. Current policy on children who are absent from the caretaker relative's home differs for the AFDC and the Food Stamp Programs. Revising the Food Stamp rules will provide consistency between the two programs and make it easier for casework staff to maintain an AFDC/Food Stamp case.

(Section 121.75) Provisions for Students

Some students attending an institution of higher education are eligible to participate in the Food Stamp Program. Only when certain requirements are met are students of higher education eligible to participate in the Food Stamp Program. This rulemaking specifies that a student of higher education is allowed to participate in the Food Stamp Program if the student is:

1. enrolled in a program under the Job Training Partnership Act;
2. enrolled as a result of the JOBS Program under Title IV of the Social Security Act or its successor;



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3. enrolled full-time in a institution of higher education and is a single parent with the responsibility for the care of a dependent child under age 12;
4. enrolled in any education or training program required by the Food Stamp Employment and Training Program; or
5. participating in an on-the-job training program.

These amendments revise the definition of an institution of higher education. In addition, this rulemaking adds that a student attending an institution of higher education is eligible to participate in the Food Stamp Program if he or she has been approved to participate in a State or Federal work study program and he or she expects to work during the school term.

Sections 121.61, 121.92, 121.92

These amendments make the following changes in the Food Stamp Program:

1. To ensure that recipients of Category P3 assistance receive the same food stamp benefits to which they are entitled, this rulemaking expands the definition of a disabled household member to include Category P3 individuals.

The gross income standards of eligibility are 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget, as described in 7 CFR 273.9(a)(1)(1990). However, categorically eligible households and households containing a member who is elderly, blind or disabled are exempt from this gross income check (7 CFR 273.9(c) (1990)). As a result of this rulemaking, households containing a member who receives disability-related medical assistance benefits, (Categories 92, 93 and P3) under title XIX (Medicaid) of the Social Security Act, will qualify for increased food stamp benefits.

2. This rulemaking also establishes that food stamp households receiving public assistance benefits under the Aged, Blind or Disabled (AABD) Program are no longer excluded from monthly reporting if their household contains an individual who is required to report monthly.

Section 121.182

The Department is revising its food stamp rules based on the new requirements under the Minimum Wage Increase Act of 1996, H.R. 3448 (P.L. 104-188), which was enacted on August 20, 1996. These proposed amendments enable the Department to increase Earnfare participants' overall benefit level by raising the maximum amounts Earnfare participants can earn each

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month in relation to the increases in the federal minimum wage.

Recently, the United States Senate approved a 90-cent increase in the federal minimum wage. This increase will affect many workers throughout the nation including volunteers participating in the Earnfare program. This increase will raise the minimum wage of \$4.25 per hour in two increments:

- effective October 1, 1996, the federal minimum wage was increased by 50¢ per hour to \$4.75; and
- effective September 1, 1997, the federal minimum wage will be increased by 40¢ per hour to \$5.15.

As authorized by P.A. 87-893, "Persons participating in Earnfare shall engage in employment-assigned activities equal to the amount of food stamp benefits divided by the federal minimum wage and subsequently earn minimum wage for each additional hour in Earnfare activity...up to \$231.00 per month". Recently, the Food and Consumer Service (FCS) increased the maximum monthly food stamp allotment for a single individual from \$119.00 to \$130.00. The increase in the food stamp allotment of this individual increases the food stamp allotments, effective August 14, 1996, at 20 Ill. Reg. 119.35, the Department standardized the Earnfare work-off maximum at 26 hours by rule.

Currently an Earnfare participant may work up to 80 hours per month and earn up to \$231.00 per month. At the same time the minimum wage is increasing, the Department must also plan for implementation of federal reform which will limit food stamp benefits for single individuals, ages 18-50, to three out of 36 months, unless the client:

- is exempt from meeting the work requirement;
- is employed 20 hours per week or
- participates in and complies with workfare.

The increase in the federal minimum wage will have a substantial impact on the Earnfare program and the clients the Department serves. As a result of this rulemaking, effective October 1, 1996, the date the federal minimum wage was increased to \$4.75 per hour, an individual participating in Earnfare will be able to earn a maximum of \$261.00 per month. Effective September 1, 1997, when the federal minimum wage is increased to \$5.15 per hour, an individual participating in Earnfare will be able to earn a maximum of \$294.00 per month.

The work-off amount for food stamp benefits, based on the increases in federal minimum wage, will be as follows:

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Federal Minimum Wage	Food Stamp Hours Worked	Potential Earnfare Hours	Maximum Hours Worked	Maximum Monthly Earnfare Wages
\$4.25 (previous)	26	54	80	\$231.00
\$4.75 (10/96)	25	55	80	\$261.00
\$5.15 (9/97)	23	57	80	\$294.00

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Judy Umma  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Avenue East, Third Floor  
Springfield, Illinois 62762  
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES  
CHAPTER 1: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121  
FOOD STAMPS

## SUBPART A: APPLICATION PROCEDURES

Section  
121.1 Application for Assistance  
121.2 Limitations on the Disposition of an Application  
121.3 Approval of an Application and Initial Authorization of Assistance  
121.4 Denial of an Application  
121.5 Client Cooperation  
121.6 Emergency Assistance  
121.7 Expedited Services  
121.10 Interviews

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section  
121.19 Ending a Voluntary Quit Disqualification  
121.20 Citizenship  
121.21 Residence  
121.22 Social Security Numbers  
121.23 Work Registration/Participation Requirements (Repeated)  
121.24 Individuals Exempt From Work Registration Requirements (Repeated)  
121.25 Failure to Comply (Repeated)  
121.26 Period of Sanction Disqualification-(Repeated)  
121.27 Voluntary Job Quit  
121.28 Good Cause for Voluntary Job Quit  
121.29 Exemptions from Voluntary Quit Rule

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section  
121.30 Unearned Income  
121.31 Exempt Unearned Income  
121.32 Education Benefits  
121.33 Unearned Income in-kind  
121.34 Earned Payments and Income Tax Refunds  
121.40 Earned Income  
121.41 Budgeting Earned Income  
121.50 Exempt Earned Income  
121.51 Income from Work/Study/Training Programs  
121.52 Earned Income from Roomer and Boarder

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121.53 Income From Rental Property  
 121.54 Earned Income In-kind  
 121.55 Sponsors of Aliens  
 121.57 Assets  
 121.58 Exempt Assets  
 121.59 Asset Disregards

## SUBPART D: ELIGIBILITY STANDARDS

Section  
 121.60 Net Monthly Income Eligibility Standards  
 121.61 Gross Monthly Income Eligibility Standards  
 121.62 Income Which Must Be Annualized  
 121.63 Deductions From Monthly Income  
 121.64 Food Stamp Benefit Amount *Eospon-Attainment*

## SUBPART E: HOUSEHOLD CONCEPT

Section  
 121.70 Composition of the Assistance Unit  
 121.71 Living Arrangement  
 121.72 Nonhousehold Members  
 121.73 Ineligible Household Members  
 121.74 Strikers  
 121.75 Students  
 121.76 Households Receiving AFDC, SSI, Interim Assistance and/or GA -  
 Categorical Eligibility

## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section  
 121.80 Fraud Disqualification (Renumbered)  
 121.81 Initiation of Administrative Fraud Hearing (Repealed)  
 121.82 Definition of Fraud (Renumbered)  
 121.83 Notification To Applicant Households (Renumbered)  
 121.84 Disqualification Upon Finding of Fraud (Renumbered)  
 121.85 Court Imposed Disqualification (Renumbered)  
 121.90 Monthly Reporting and Retrospective Budgeting  
 121.91 Retrospective Budgeting  
 121.92 Direct Mail Issuance of Food Stamp Coupons  
 121.93 Replacement of Food Stamp Coupons  
 121.95 Restoration of Lost Benefits  
 121.96 Uses For Food Coupons  
 121.97 Supplemental Payments  
 121.98 Food Stamp Simplified Application Demonstration Project (Repealed)  
 121.120 Recertification of Eligibility  
 121.130 Residents of Shelters for Battered Women and their Children

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121.131 Fleeing Felons and Probation/Parole Violators  
 121.135 Incorporation By Reference  
 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

## SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section  
 121.150 Definition of Intentional Violations of the Program  
 121.151 Penalties for Intentional Violations of the Program  
 121.152 Notification to Applicant Households  
 121.153 Disqualification Upon Finding of Intentional Violation of the Program  
 121.154 Court Imposed Disqualification

## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section  
 121.160 Persons Required to Participate  
 121.162 Participation and Cooperation Requirements  
 121.164 Orientation  
 121.166 Assessment and Employability Plan  
 121.170 Job Search Component  
 121.172 Basic Education Component  
 121.174 Job Readiness Component  
 121.176 Work Experience Component  
 121.178 Job Training Component  
 121.180 Grant Diversion Component  
 121.182 Earnfare Component  
 121.184 Sanctions  
 121.186 Good Cause for Failure to Cooperate  
 121.188 Supportive Services  
 121.190 Conciliation and Fair Hearings  
 121.200 Types of Claims (Recodified)  
 121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)  
 121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)  
 121.203 Failing Claim Against Households (Recodified)  
 121.204 Call to Respond to Initial Demand Letter (Recodified)  
 121.205 Methods of Repayment of Food Stamp Claims (Recodified)  
 121.206 Determination of Monthly Allowment Reductions (Recodified)  
 121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)  
 121.208 Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-1.1 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-1.1].

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SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 155, effective October 1, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 4 Ill. Reg. 3, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 10, p. 253, effective February 23, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; peremptory amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 1707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 7, 1982; amended at 6 Ill. Reg. 1375, effective November 1, 1982; amended at 7 Ill. Reg. 5192, effective January 1, 1983; amended at 7 Ill. Reg. 5193, effective January 1, 1983; amended at 7 Ill. Reg. 5194, effective January 1, 1983; amended at 7 Ill. Reg. 5195, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 10086, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill.

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Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 1988; peremptory amendment at 12 Ill. Reg. 15019, effective October 1, 1988; amended (by adding Section 20161 at 12 Ill. Reg. 16916, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994;

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amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 9, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995; for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2293, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 13134, effective February 28, 1997.

## SUBPART A: APPLICATION PROCEDURES

## Section 121.7 Expedited Service Services

- a) Households in need of immediate food assistance shall be provided expedited service if the household:
  - 1) has liquid assets (such as cash on hand, checking or savings accounts) of no more than \$100, and has gross monthly income for the fiscal month of application of less than \$150; or
  - 2) has liquid assets of no more than \$100, and contains a migrant or seasonal farmworker who is destitute. A migrant or seasonal farmworker is a person who meets the following criteria:
    - A) Migrant or seasonal farmworker household meeting one of the following criteria is considered destitute:
      - i) Only income for the fiscal month of application was received prior to the date of application and was from a terminated source considered destitute.
      - ii) Income is considered coming from a terminated source if it is received monthly or more frequently and will not be received again from the same source during the fiscal month of application or during the month following application of it; it is normally received less often than monthly and will not be received in the month the next payment is normally received.
      - iii) A household member who changes jobs but continues to work for the same employer is considered as still receiving income from the same source.
      - iv) Migrant households which have received their last wages from a grower, food processor, livestock, nursery or other employer are considered destitute.
    - B) Income from a New Source
      - i) Migrant or seasonal farmworker households whose only income, for the fiscal month in which the

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application is filed, is from a new source are considered destitute if income of more than \$25.00 will not be received from the new source by the 10th calendar day following the date of application.

- ii) Income is considered as coming from a new source if it is normally received on a monthly basis or more frequently and more than \$25.00 has not been received from the source within 30 days prior to the date the application was filed, or it is normally received less often than monthly and income of more than \$25.00 was received within the last normal interval between regular payments.
  - C) Households may receive income from a terminated source prior to the date of application and income from a new source after the date of application. Such households may be considered destitute if they receive no other income in the fiscal month of application and income of more than \$25.00 from the new source will not be received by the 10th calendar day after the date of initial application.
  - D) The receipt of a wage advance for the travel costs of a new employee does not affect the determination of whether subsequent payments from the employer are from a new source of income or not whether a household is to be considered destitute.
  - E) Members of a household who are homeless individuals are considered destitute if they are an individual who lacks a fixed, regular, nighttime residence or an individual whose primary nighttime residence is:
    - A) a supervised shelter that provides temporary accommodations or
    - B) a halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized or
    - C) a temporary accommodation in the residence of another individual or
    - D) a place not designed for or ordinarily used as a regular sleeping accommodation for human beings or
- 3144) has combined gross monthly income and liquid resources which are less than the household's monthly rent or mortgage and utility costs.
- b) A household may be entitled to expedited service but factors of eligibility (see subsection 121.7(e)) may make the household ineligible to receive food benefits stamps or eligible for an amount less than the maximum monthly benefit amount coupon attached to the household size.
  - c) If a household is not entitled to expedited service, the Department will continue to process the application using the regular application procedures (found at Section 121.2). The application will only be

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denied if the household is ineligible under regular processing standards.

- d) Processing Time Standard
  - 1) The first day of the time standard is the calendar day following the day the signed application was filed. The date of application is the day the signed application is received in the correct local office.
  - 2) The Department shall process applications for eligible households entitled to expedited service within the following processing time standards:
    - A) If entitlement for expedited service is discovered at the date of application, benefits shall be made available to the household no later than the fifth calendar day following the date of application.
    - B) If entitlement to expedited service is discovered during normal processing of the application, benefits shall be made available no later than the fifth calendar day following the day entitlement to expedited service was discovered.
- e) Households entitled to expedited service shall be interviewed no later than the work day following the date of application. Households entitled to expedited service shall be interviewed no later than the work day following the date of application. Households entitled to expedited service shall be interviewed no later than the work day following the date of application. If the applicant failed to appear for the scheduled interview, the time for the expedited service no longer applies (see Section 121.2 for the time limitation of the disposition of an application).<sup>†</sup> The applicant's application will be processed using the regular processing standards found at Section 121.2.

- f) When a migrant household is entitled to expedited service and a two-month certification period is assigned, the Department shall authorize the second month's benefits without requiring verification which must be obtained from another state. However, the out-of-state verification must be obtained before additional benefits will be authorized in a new certification period. Migrant households shall be entitled to postpone out-of-state verifications for a second month only once each season.
- g) Prior to certification for expedited service, only the applicant's identity (for example, egr, driver's license and voter registration card) must be verified. Income (for example, egr, pay stubs), liquid assets (for example, egr, checking and savings account statement) and residency (for example, egr, drivers license and voter registration card) shall be verified if verification will not cause benefits to be delayed.

<sup>†</sup>ADVERSE-IMPED- Households-entitled-to-expedited-services-are-given-an interview-appointment-on-the-day-the-signed-application-is-fitted.

(Source: Amended at 21 Ill. Reg. **3156**, effective February 28, 1997)

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## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section 121.20 Citizenship

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to specific restrictions as set forth below. ~~7-an alien-legally-admitted-for-permanent-residence-or-an alien-admitted-under-color-of-law~~ ~~according-to-the-following-definitions:~~

- a) Citizenship status — Persons born in the U.S. or in its possessions are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings or by certain persons born in a foreign country of U.S. citizen parents(s).
- b) Non-citizens — Alien status — Persons residing in the U.S. but not citizens by birth or naturalization — are considered aliens. The citizenship categories of eligible types of aliens may receive assistance if otherwise eligible.

## 1) Non-citizens Credited with 40 Quarters of Work

- A) Aliens lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (INA) who have worked 40 qualifying quarters of coverage (as defined under Title II of the Social Security Act), effective January 1, 1997, in order for a quarter of work to count, the client must not have received any benefits under a federal means-tested program during that quarter.

- B) Quarters of a parent count for an alien while the alien is under age 18.

- C) Quarters of a spouse count for an alien if the alien is still married to that spouse or the spouse is deceased.

- D) Aliens in this category who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the alien entered the United States.

- 2) Veterans — Active U.S. Military Service Persons and Their Dependents. Non-citizens meet the citizenship requirement for food stamps if they are:
  - A) a veteran honorably discharged from U.S. military service; or

- B) a person in active U.S. military duty and the spouse of a dependent child or children of such person.

- 3) Non-citizens who qualify for a limited time. For 5 years after the status has been attained, the following non-citizens meet the citizenship requirement for food stamps:
  - C) aliens admitted under Section 208 of the INA; and

- D) persons who are not within the categories set forth in subsections (a) and (b) of this Section but who were receiving food stamps on August 22, 1996, shall not be terminated based on citizenship until



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the next recertification after April 1, 1997.

- 1) Immigrants---Persons admitted for permanent residence;
- 2) Refugees---Persons admitted pursuant to the Refugee Act of 1980 (8-U.S.C. 1597 et seq.);
- 3) Entrant---
  - a) Any individual granted parole status as a Cuban/Haitian Entrant (status pending) or granted any other special status subsequently established under the immigration laws for the nationals of Cuba or Haiti regardless of the status of the individual at the time assistance or services are provided; and
  - b) Any other national of Cuba or Haiti who was paroled in the United States and has not required another status under the Immigration and Nationality Act.
- 4) The subject of exclusion or deportation proceedings under the Immigration and Nationality Act--(8-U.S.C. 1581 et seq.) or
- 5) has an application for asylum pending with the Immigration and Naturalization Service; and
- 6) with respect to whom a family nonappealable and legally enforceable order of deportation or exclusion has not been entered;
- 7) Lawfully admitted aliens as defined by the Immigration Reform and Control Act of 1986 (Pub. L. 99-603);
- 8) Those who have resided continuously in the United States since before January 1, 1992 in accordance with Section 249 of the Immigration and Nationality Act;
- 9) Newly legalized aliens who were granted temporary resident status pursuant to Section 245A(a) of the Immigration and Nationality Act at least five years prior to applying for food stamps and who subsequently gained lawful permanent resident status pursuant to Section 245A(b)(1) of the Immigration and Nationality Act; Such aliens would not be eligible to participate before May 5, 1992;
- 10) Newly legalized aliens who have been granted permanent resident status and are aged, blind or disabled as defined in Section 1644(a)(1) of the Social Security Act; Such aliens would not be eligible to participate before November 7, 1986;
- 11) Special agricultural workers who have resided in the United States and performed agricultural work for specified periods prior to May 1, 1986; Such aliens would not be eligible to participate before November 7, 1986;
- 12) Seasonal agricultural workers who may be admitted in fiscal years 1990 through 1993 (October 1, 1989 through September 30, 1993);

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(Source: Amended at 21 Ill. Reg. 9.016, effective February 28, 1997)

## Section 121.22 Social Security Numbers

- a) With the exception of categorically eligible households and households entitled to expedited service, all members of the food stamp household must furnish to the Department social security numbers (SSNs) or provide proof of application for a SSN receipt for application of a SSN form or apply for SSNs through the Department before being certified to participate.
- b) Households entitled to expedited services are asked to provide a SSN. Proof of application for a SSN receipt--the Department will accept a SSN--6 form or apply for SSNs through the Department for all members prior to the authorization of the household's first month of months' benefits. If the household member or members membership do not have one prior to the authorization of the next month's issuance, the member or members membership shall be allowed to participate for the full month while awaiting receipt of the SSN. The provisions provision of (c), (e), (f) and (g) of this Section are applicable to households entitled to expedited service. However, verification of the SSN is not required prior to certification of expedited service.
- c) If more than one social security number has been assigned to any individual, all numbers must be furnished. If a social security number cannot be furnished either because a social security number has not been issued or is not known, application must be made for a social security number through the Department.
- d) For regular application processing and when a new member is added, household members that have applied for a SSN are allowed to participate for one full month of months' benefits. If the initial month of months' benefits is prorated, the household member may participate for the initial month of months' prorated benefits and the first full month of months' benefits. If the SSN is not received by the end of the household member's first full month of participation, the household member is disqualified unless good cause exists. See Sections 121.22 (f) and (g) for good cause definition.
- e) A household member who refuses to furnish the social security number to the Department, refuses to allow verification such as a social security card or W-2 form or refuses to apply for a social security number is ineligible to participate in the food stamp program until the requirement is met.
- f) Good cause for failure to provide a SSN exists if the household member provides adequate proof of application for a SSN receipt for participation--if a SSN form that the household member has applied for the number and made every effort to supply the Social Security Administration (SSA) with any necessary information such as a birth certificate or the household member has applied through the Department. If the household



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does show good cause, benefits are allowed for the next full month of the certification period or for a new member, for the second month following his or her addition to the household. The household member will be requested to apply for the SSN through the Department.

g) A household member who has applied for a SSN through the Department and has provided any needed information will not be disqualified if the SSN is not received from the Social Security Administration within the prescribed time limits.

(Source: Amended at 21 Ill. Reg. 3156, effective February 28, 1997)

## Section 121.23 Work Registration/Participation Requirements (repeated)

- a) All nonexempt adults who are eligible members of a food stamp household shall register for employment, participate in an employment and training program and accept suitable employment. Compliance with this requirement is a prerequisite to certification and program benefits shall not be granted conditionally prior to registration by food stamp household members. However, and excepted services, the applicant must register but registration of other members may be postponed.
- b) All nonexempt individuals must register in the following circumstances:
  - 1) prior to initial certification;
  - 2) for a new household member prior to addition to the case;
  - 3) once every 12 months; and
  - 4) when as a result of a change which the household is required to report, a member loses exempt status. (See 89 Ill. Adm. Code 102.50(c).)
- c) Registration with the Food Stamp Employment and Training Program (FSEET) for General Assistance (GA) purposes shall meet the food stamp work registration requirement for nonexempt City of Chicago GA/Food Stamp applicants and recipients.
- d) Registration with the Job Opportunities and Basic Skills Training Program (JOBS) for Aid to Families with Dependent Children (AFDC) purposes shall meet the food stamp work registration requirement.
- e) Registration with a Refugee Placement Agency or Illinois Job Service for Refugee Assistance/Food Stamp recipients shall meet the food stamp work registration requirements.
- f) Each household member who is required to register for employment is also required to:
  - 1) participate in an employment and training program, if assigned by JOBS or FSEET, in accordance with 89 Ill. Adm. Code 112.78 and Section 121.162;
  - 2) respond to requests for supplemental information regarding employment status or availability for work;
  - 3) report to employers to whom referred.

- 4) accept a bona fide offer of suitable employment (see Section 121.27(b) for a definition of "suitable employment"); and
- 5) cooperate with comparable work requirements of JOBS for AFDC and the Food Stamp Employment and Training Program (FSEET). (See 89 Ill. Adm. Code 112.70 through 112.85, 114.60 through 114.80, 114.85, 114.120 through 114.130 and 121.160 through 121.190.)

(Source: Repealed at 17 Ill. Reg. 433, effective March 19, 1993; new Section added at 21 Ill. Reg. 3156, effective February 28, 1997)

## Section 121.24 Individuals Exempt From Work Registration Requirements (repeated)

The individuals listed below are exempt from work registration requirements but may, if they wish, voluntarily register for employment:

- a) ineligible household members;
- b) parent or other household member having responsibility for the care of a dependent child or children under age six or the care of an incapacitated person or persons;
- c) persons under age 16 or age 60 or over;
- d) a person are 16 or 17 who is not the primary wage earner or is attending school or enrolled in a training program on at least a half-time basis;
- e) a person who is temporarily ill or chronically ill:
  - 1) A person is temporarily ill when determined by the local office, on the basis of medical evidence (for example, statement from a medical provider) or on another sound basis that the illness or injury is serious enough to temporarily prevent the person from engaging in employment or participating in FSEET. Minor ailments and injuries such as colds, broken fingers or rashes are not serious enough, normally, to exempt the individual under this criterion. A sound basis for exemption from FSEET on a temporary basis includes, but is not limited to:
    - A) the observation of a cast on a broken leg or
    - B) information provided by the client, of a scheduled surgery or recuperation from surgery;
  - 2) A person is chronically ill, as determined by the local office, when a physician or licensed or certified psychiatrist finds that a physical or mental impairment, either by itself or in conjunction with one or other factors, prevents the person from engaging in employment or participating in FSEET.
- 3) When a person is determined either temporarily or chronically ill a registration shall continue until the person's condition is such that the person is able to register. The registration is initially issued by the Department with the expiration date as to when the condition warranting the exemption is expected to end or when a review of the case will be reevaluated to determine whether the exempted

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person continues to be exempt under the same procedures as for the initial determination of exemption, with appropriate notice to the person that a reevaluation is necessary.

- f) any drug addict or alcoholic who regularly participates in a drug or alcoholic treatment and rehabilitation program;
- g) persons who are engaged in a lawful employment, employed or self-employed at least 30 hours per week or receiving weekly earnings equivalent to or greater than the Federal Minimum Wage (\$4.75 per hour) multiplied by 30 hours and migrant and seasonal farm-workers under a contract to begin employment within 30 days after application;
- h) persons receiving Unemployment Insurance (UI) or who have applied for UI if required to register for Job Service as part of the UI application process;
- i) students enrolled at least half-time in any recognized:

- 1) training program or
- 2) institution of higher education and who have met one of the eligibility requirements set forth in Section 121.21(c)(1).
- j) is a 1973 household member of a VISTA member or other individual who is enrolled full-time in a VISTA program and if the individual was receiving financial assistance or food stamps at the time he or she joined VISTA. Persons enrolled full-time under title II of the 1973 Domestic Volunteer Services Act as senior health aides, foster grandparents, senior companions or persons serving in the Senior Corps of Retired Executives (SCORE) and Active Corps of Executive (ACE), etc., are exempt.

(Source: Repealed at 17 Ill. Reg. 4333, effective March 19, 1993; new Section added at 21 Ill. Reg. 3156, effective February 28, 1997)

## Section 121.25 Failure to Comply (Repeated)

- a) The local office will determine if an individual has refused or failed to comply, without good cause, with work registration requirements.
- b) FSEAT will determine if an individual has failed to comply with program requirements (see 89 Ill. Adm. Code 112.78 and 112.79). The Department will take action to terminate food stamp benefits within ten calendar days after such determination by FSEAT staff.
- c) If it is determined that a household member failed to comply with work registration requirements, without good cause:

- 1) the person is an ineligible household member (see Section 121.31(h)) if there is another parent or child in the food stamp household or if the person who failed to comply did not earn the most money in the two months prior to the violation; or
- 2) the whole household is ineligible if the person who failed to comply is the only adult or is the person who earned the most money in the two months prior to the violation and there is no

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- d) Good cause includes circumstances beyond the member's control such as, but not limited to, illness, illness of another household member requiring the presence of the member, lack of transportation, a household emergency or the lack of adequate child care for children ages six through 14, as defined in Section 121.75(a)(4).

(Source: Repealed at 17 Ill. Reg. 4333, effective March 19, 1993; new Section added at 21 Ill. Reg. 3156, effective February 28, 1997)

## Section 121.26 Period of Sanction Disqualification (Repeated)

- a) The period of sanction of an entire household for failure to comply with work registration requirements lasts until:
  - 1) the member complies with the requirements;
  - 2) the member becomes exempt from the requirements;
  - 3) the individual is not of the household member. If the individual is not of the household member, the new household is not eligible for the remainder of the sanction period; or
  - 4) the household has been sanctioned for two fiscal months beginning with the first month following the expiration of the adverse notice period.
- b) The sanction ends:
  - 1) following the end of the second fiscal month of sanction. Participation may be resumed if:
    - A) an application is filed; and
    - B) all other eligibility requirements are met.
  - 2) during the sanction period when the registrant is otherwise eligible and becomes exempt from the registration requirements.
- c) For GA/PS households sanctioned for failure to cooperate with comparable requirements of FSEAT, the food stamp sanction period does not have to coincide with the GA sanction period.

(Source: Repealed at 17 Ill. Reg. 4333, effective March 19, 1993; new Section added at 21 Ill. Reg. 3156, effective February 28, 1997)

## Section 121.27 Voluntary Job Quit

- a) If within 60 days before the date of initial application the primary wage earner or the only adult member of the food stamp household has, without good cause, voluntarily quit his or her higher job, the entire household is ineligible for food stamp benefits for 90 days beginning with the date of the quit.
- b) If the primary wage earner or the only adult member designated head of household if there is no primary wage earner of a participating food stamp household has, without good cause, voluntarily



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- are made directly to a third party for a household expense:
- 3) Child support or alimony payments specified by a court order or other legally binding agreement to go directly to a third party rather than to a household; and
  - 4) Support payments not required by a court order or other legally binding agreement (such as, payments in excess of an amount specified in a court order or written agreement) which are paid to a third party rather than to the household;
  - 5) Public Assistance or General Assistance/General Assistance paid to a third party in behalf of a household for medical, child care, or energy assistance (Public Assistance means APC and AAPD);
  - 6) From October 20, 1987, to September 30, 1989, the entire amount of Public Assistance or General Assistance/General Assistance payments to third parties in behalf of a household for temporary housing, even any portion of the payment which is part of the normal Public Assistance or General Assistance/General Assistance payment, provided the housing lacks facilities for preparation and cooking of hot meals or refrigerated food storage; and
  - 7) Emergency Public Assistance (PA) or General Assistance (GA) payments made directly to a third party (that is, vendor payment) on behalf of a migrant or seasonal farmworker household while the household is in the job stream. This assistance includes, but is not limited to, emergency vendor payments for housing or transportation.
- c) Cash donations based on need received on or after February 1, 1989, from one or more private nonprofit charitable organizations, but not to exceed \$300.00 in a federal fiscal year quarter;
  - d) Any income in the certification period which is received too infrequently or irregularly to be reasonably anticipated, not in excess of \$30.00 per quarter;
  - e) All loans other than educational loans on which repayment is deferred;
  - f) Reimbursements for past or future expenses, to the extent they do not exceed actual expenses and do not represent a gain or benefit to the household. This does not include reimbursements for normal living expenses;
  - g) Monies received and used for the care and maintenance of a third-party beneficiary who is not a household member. Foster care payments are considered to be the adult or child in foster care and not income to the household providing the foster care. If the payments are made to the provider for the mothering of the adult child or children (children in foster care), the household chooses to include the adults and/or children in foster care as part of the household, the entire foster care payment is considered unearned income to the household;
  - h) Income of nonhousehold members except for those who have been disqualified for fraud or intentional program violation, for failure

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- to comply with work registration requirements, for failure to meet the social security number requirements, because of illegible alien status, or due to questionable citizenship status;
- 1) Payments to volunteers under the Domestic Volunteer Service Act (42 U.S.C. 4951-4953) (VISTA) are exempt only if the individual:
    - 1) was receiving food stamps or public assistance at the time he or she/he/she joined VISTA; and/or
    - 2) was receiving an exempted VISTA payment, or other substance payments under Title I of the Domestic Volunteer Services Act, prior to March 1, 1979, and the volunteer contract in effect March 1, 1979, has not expired;
  - 3) Income received from the disposition of funds to the Grand River Band of Ottawa Indians;
  - k) Any income specifically excluded by any federal Federal statute from consideration for food stamp purposes;
  - 1) Unearned income, including cash payments, cash assistance, compensation in lieu of wages and allowances through the Job Training Partnership Act (29 U.S.C. 1501-1781);
  - m) Portions of cash assistance--payments--designated--as--being--for--the purpose--of--energy--assistance;
  - n) Payments made by the Illinois Department of Mental Health and Developmental Disabilities under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921; and
  - not Income received from the Social Security Administration under the PASS Program.

(Source: Amended at 21 Ill. Reg. 9156, effective February 28, 1997)

## Section 121.50 Exempt Earned Income

- a) The earned income of a child residing in the household, who is under 18 years of age and who is attending an elementary or secondary school, is at-least-half-time--(as--defined--by--the--institution)--a kindergarten--or--pre-school--a-grade-school--high-school--vocational school--technical-school--training--program--college--or--university--shall-be exempt. The exemption of this income is shall not be altered by temporary interruptions in school attendance, such as semester or summer vacations, provided the child's enrollment will resume following the break.
- b) The exemption in subsection (a) of this Section shall not apply to any training allowances or educational grants received by the child.
- c) The exemption in subsection (a) of this Section shall not apply if the student is an emancipated minor or living alone.
- d) Earning from employment through the Jobs Training Partnership Act: If the individual has been paid wages and benefits by and under the parental control of another adult household member. "Parental control" refers

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to an adult who has responsibility for the well-being, care and maintenance of a child.

- e) Advance payments of the Earned Income Tax Credit.  
 f) Earnings, allowances and payments under Title I of the National and Community Service Act of 1990. These programs include Serve-America, Higher Education Innovative Projects, American Conservation and Youth Corps Programs and National and Community Service Programs.

(Source: Amended at 21 Ill. Reg. 3155, effective February 28, 1997)

## Section 121.57 Assets

- a) The value of nonexempt assets shall be considered in determining eligibility.

## b) Value of Nonexempt Assets

- i) The value of nonexempt assets is the equity value (fair market value) of the asset owned, except for licensed vehicles.  
 2) The Department considers the following assets in determining eligibility:

## A) Liquid Assets

- i) Liquid assets are those properties in the form of cash or other financial instruments which are convertible to cash, such as, but not limited to: cash on hand, money, in checking or savings accounts, credit union accounts, savings certificates, stock or bonds, lump-sum payments, IRA's and Keogh Plans that do not involve a contractual relationship with someone who is not a member of the same food stamp household.

- ii) The amount of the Keogh Plan or IRA to be counted as an asset is the total value minus any amount that would be lost for early withdrawal. The amount considered is the amount the individual would receive if the account were closed. An individual (one-person) Keogh Plan is the nonexempt asset. However, the Keogh Plan involving a household member and someone who is not a member of the same food stamp household is exempt unless the client can make withdrawals from the account without affecting the other individual or individuals.

## B) Nonliquid Assets

Nonliquid assets are those properties which are not in the form of cash or other financial instruments, such as personal property, licensed vehicles, unlicensed vehicles, buildings, land, recreational properties, and any other property not specifically exempted in Section 121.56.

- C) Consider the assets of the sponsor and the sponsor's spouse

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who sponsored an alien on or after February 1, 1983 (7 CFR 272.11(a)(5)(1984)) in accordance with Section 121.55.

## D) Licensed Vehicles

- i) The Department shall consider the fair market value of a licensed vehicle in excess of \$4650 \$4668 unless exempted as stated in Section 121.58.  
 ii) The Department shall consider the equity value of a licensed vehicle unless exempted as stated in Section 121.58.

iii) If both equity value and excess fair market value are considered, the Department shall use the value which is greater.

- iv) The Department shall assign fair market values of licensed vehicles determined by the value of those vehicles as listed in the National Automobile Dealers Association (NADA) Used Car Guide (1984). The fair market values shall be updated every six months.

(Source: Amended at 21 Ill. Reg. 3155, effective February 28, 1997)

## SUBPART D: ELIGIBILITY STANDARDS

## Section 121.60 Net Monthly Income Eligibility Standards

- a) Eligible households whose net monthly income does not exceed the maximum monthly income standards shall be assigned food stamp benefits a coupon-amount based on the net monthly food stamp income.  
 b) The maximum net monthly income standards are:

Household Size	Amount
1.....	\$ 645 623
2.....	864 036
3.....	1,082 376
4.....	1,300 3263
5.....	1,519 3476
6.....	1,737 3769
7.....	1,955 3983
8.....	2,174 2216
Each additional member.....	+219 214

Derived from Office of Management and Budget non-farm, income poverty guidelines.

(Source: Amended at 21 Ill. Reg. 3155, effective February 28, 1997)

## Section 121.61 Gross Monthly Income Eligibility Standards



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## a) Gross Monthly Income Eligibility Standards

1) The gross income standards of eligibility shall be 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1)(1990)). However, categorically eligible households and households containing a member who is elderly, blind or disabled will be exempt from this gross income check (see also 7 CFR 273.9(c) (1990)). To qualify for increased benefits, a household must contain a member who meets one of the following requirements:

- A) A member is 60 years of age or older. An individual is considered age 60 in the fiscal month in which he or she becomes 60.
- B) A member receives Supplemental Security Income (SSI) benefits under Title II (RSDI) of the Social Security Act, (this income threshold where the member is receiving SSI income pending a final decision from the Social Security Administration. This SSI income is being provided on a temporary or emergency basis).
- C) A member receives Social Security disability or blindness benefits under Title II (RSDI) of the Social Security Act.
- D) A member receives State Supplemental Payment (SSP) due to blindness or disability. This does not include cases in-PB status pending a determination of blindness or disability.
- E) A veteran with a service-connected disability rated or paid as totally disabled by the Department of Veterans Affairs Administration (VA).
- F) A veteran considered by the VA to be in need of regular aid and attendance or permanently housebound.
- G) A veteran's surviving spouse who is considered in need of aid and attendance or considered permanently housebound by the VA Veterans Administration or a veteran's surviving child who is considered permanently incapable of self-support by the VA Veterans Administration.
- H) A veteran's surviving spouse or child entitled to compensation for a service-connected death or pension benefits for a non-service-connected non-service-connected death from the VA, Veterans Administration if the spouse or child also has a disability considered permanent under Social Security requirements.
- I) A member receives federal, state, or local government disability pension and is considered permanently disabled under Social Security requirements.
- J) A member receives Railroad Retirement disability benefits.
- K) Retirement and is eligible for payment from Railroad Retirement and is eligible for Medicaid.
- L) A member receives disability benefits, medical assistance benefits (Categories 92, 93 and 9393) under Title XIX (Medicaid) of the Social Security Act.

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- 2) For those veterans, surviving spouses, or children mentioned in subsections (a)(1)(F) and (G) of this Section, proof of receipt of VA disability benefits is sufficient verification of disability. For those veterans mentioned in subsection (a)(1)(E) of this Section, a verified statement in writing from the VA that the individual is totally disabled must be provided. To verify disability for those individuals mentioned in subsection (a)(1)(H) of this Section, the individual must provide a statement from the Social Security Administration or from a physician of the Medical Practice Act of 1987 (225 ILCS 60), or a certified psychologist under the Clinical Psychology Licensing Act (225 ILCS 60), or a sufferer from one of the disabilities listed in the provisions of Section 221(1) of the Social Security Act (42 U.S.C. 421(i)), or if the disability is obvious, by the observation of the caseworker (for example, permanent loss of use of both hands).

## b) Household Size

## Gross Income

One Person	\$ 839 000
Two Persons	1,123 700
Three Persons	1,407 700
Four Persons	1,690 700
Five Persons	1,974 700
Six Persons	2,258 700
Seven Persons	2,542 700
Eight Persons	2,826 700
Each Additional Member	+ 284 270

(Source: Amended at 21 Ill. Reg. 3156, effective February 28, 1997)

## Section 121.63 Deductions From Monthly Income

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly food stamp income.
- b) Earned Income Tax Credit. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) Standard Deduction. The standard deduction is \$134.00 per household per month.
- d) Dependent Care Deduction.
  - 1) The dependent care deduction consists of payments for the care of a child or other dependent necessary for a household member to accept employment or to comply with the job search criteria (contained in 89 Ill. Adm. Code 112.70 through 112.73) or to attend training or pursue education which is preparatory for employment.

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- 2) The amount of the deduction is to be determined by the actual costs for care and is not to exceed \$160.00 per month for each dependent household member.

g) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.

f) Shelter Costs Deduction

- 1) The shelter deduction is the amount of shelter costs that exceed 50% of the household's total income after the allowable deductions in subsections (b), (c) and (d) of this Section have been made. The shelter deduction shall not exceed \$250.00 \$247-08.

- 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (1990) and Section 121.61, there is no limit on the amount of the excess shelter deduction.

- 3) Households in which all members are homeless, but that are not receiving free shelter throughout the month, are entitled to a \$143.00 per month homeless shelter costs deduction. Homeless households with shelter costs which exceed the homeless shelter costs deduction are allowed to claim the higher shelter costs; if these costs are verified. Homeless households which receive free housing and utilities throughout the month are not entitled to the homeless shelter costs deduction.

- 4) Shelter costs include only the following:

- A) rent including continuing charges for the shelter occupied by the household, rent, mortgage, and other charges leading to the ownership of the shelter, including interest on such charges; rent
- B) Property taxes, State and local assessments and insurance on the structure itself; and
- C) utility shelter costs, as described in subsection (f) of this Section.

- 5) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if the household intends to return to the home;

- A) the current occupants of the home, if any, are not claiming the shelter costs for food stamp purposes; and
- B) the home is not leased or rented during the absence of the household.

- 6) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.

g) Utility Costs

- 1) Utility costs include:

- A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection

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- fees;
- B) basic service fee for one telephone (including tax on the basic fee) of \$27.00; and
- C) fees charged by the utility provider for initial installation.

- 2) Utility deposits are not considered to be utility costs.

- 3) Those households which are billed for heating or air conditioning, or both, separately from their rent or mortgage may claim the standard utility allowance of \$209.00. Households living in rental housing who are billed on a regular basis by a landlord for costs for heating or air conditioning, or both, may use the standard utility allowance if utility usage is determined through a meter or otherwise is verifiable or if the charge for heating or air conditioning, or both, is separate and identifiable. If the standard utility allowance is used, then no other utility costs may be claimed. If actual utility costs exceed the standard utility allowance, then actual, verified costs may be claimed, except that if a separately-billed phone expense is claimed only the basic telephone allowance of \$27.00 per month is allowed. The client that maintains the same residence may not switch between the standard utility allowance and actual utility costs only at recertification for a period of 12 months--from the time of initial certification and no more frequently than once every 12 months thereafter.

- 4) However, during the heating or cooling season, a household that is billed for heating or cooling separately from the heating or air conditioning or both, but is otherwise eligible to use the standard utility allowance, may continue to use the standard utility allowance between billing months.

- 5) Households in public housing or privately owned rental units which receive a bill for over-usage are not entitled to use the standard utility allowance. When households (as defined at 7 CFR 273.11(a) (1990)) live together, the standard utility allowance shall be divided equally among the households that which contribute toward the utility costs whether or not each household participates in the program.

- 6) Households whose expense for heat or air conditioning, or both, is covered by indirect energy assistance payments under the Illinois Home Energy Assistance Program (47 Ill. Adm. Code 100) shall be entitled to the standard utility allowance (7 CFR 273.9 and 273.10(d)(6) (1990)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or air conditioning, or both, are covered by indirect energy assistance payments.

- 7) Those households which are not billed separately for either heat or air conditioning are not entitled to claim the standard utility allowance but may claim the actual utility amounts for which they are billed separately, subject to the \$27.00 per month



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limitation for telephone expense.

b197 Excess Medical Deduction Deductions. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (1990) and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

(Source: Amended at 21 Ill. Reg. 3156, effective February 28, 1997)

## Section 121.64 Food Stamp Benefit Amount Coupon-Allotment

a) The monthly food stamp benefit coupon-allotment amount is determined by subtracting 30% of the adjusted net monthly income from the maximum monthly food stamp benefit amount allotment.

b) Maximum Monthly Food Stamp Benefit Amount MAXIMUM-MONTHLY-AMOUNT:

Household size	
1.....	\$120 319
2.....	220 319
3.....	315 319
4.....	400 397
5.....	475 492
6.....	520 566
7.....	5630 696
8.....	5720 716
Each Additional Member	+ \$ 90

c) All one and two-person households will receive a minimum monthly food stamp benefit amount allotment of \$10.00

d) September Food Stamp Benefit Amount Allotment Adjustment  
The annual revisions of maximum gross and net income standards, standard deduction, maximum excess shelter deduction and food stamp benefit amounts coupon-allotments are effective October 1st of each year. Because the September fiscal month of certain households includes days which fall in the October calendar month, the portion of the September fiscal food stamp benefit amount allotment covering October 1st and later must be increased to reflect the new standards.

(Source: Amended at 21 Ill. Reg. 3156, effective February 28, 1997)

## SUBPART E: HOUSEHOLD CONCEPT

## Section 121.70 Composition of the Assistance Unit

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a) The food stamp unit shall contain all members of the household. For food stamp purposes, the definition of household is:

- 1) An individual living alone;
- 2) An individual living with others but customarily purchasing food and preparing meals for home consumption separate and apart from others;
- 3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption;
- 4) An individual and the individual's spouse, if present, who meets each of the following conditions:
  - A) lives with others and is 60 years of age or older; and
  - B) is unable to buy food and prepare meals because the individual suffers from either:
    - i) a disability that is considered permanent under the Social Security Act as determined by a statement from the Social Security Administration or a physician licensed under the Medical Practice Act of 1987 (225 ILCS 60) or a psychologist licensed under the Clinical Psychologist Licensing Act (225 ILCS 15) or if the disability is obvious, by the observation of the caseworker, for example, permanent loss of use of both hands; or
    - ii) a non-disease related severe, permanent disability. A "non-disease related severe, permanent disability" is a disability that may or may not be listed in the preamble to Section 21(i) of the Social Security Act (42 U.S.C. 411(i)), but which prevents the individual from performing substantial work or preparing meals as observed by the caseworker, as certified by a statement from a physician licensed under the Medical Practice Act of 1987 (225 ILCS 60) or a psychologist licensed under the Clinical Psychologist Licensing Act (225 ILCS 15); and

C) the gross nonexempt income of the other individuals with whom the elderly disabled individual (and spouse) is living is not more than 165 percent of the poverty level. For information on "nonexempt non-exempt gross income", see Sections 121.30 through 121.34, 121.40, and 121.50 through 121.55.

- b) Separate household status shall not be granted to:
  - 1) A child (except a foster child) who is less than 18 years of age and is under the parental control of an adult household member other than a parent, unless the child purchases food and prepares meals separately and lives with his or her own child or children or spouse.
  - 2) A parent or parents and their child or children when the children are age 21 or under;—unless—the—children—purchase—food—and—prepare—meals—separately—and—live—with—their—child—children—or spouse.

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## spouse.

- 3) A spouse of a member of the household.  
 4) A foster parent, adult or child in foster care are considered boarders and are not required to be considered household members.

(Source: Amended at 21 Ill. Reg. 3156, effective February 28, 1997)

## Section 121.71 Living Arrangement

Except for children who receive AFPC cash assistance, all AFPC individuals receiving food stamps in the same case must reside together. Children who receive AFPC cash assistance but do not reside with the caretaker relative full time must remain in the same food stamp case as the caretaker relative.

(Source: Amended at 21 Ill. Reg. 3156, effective February 28, 1997)

## Section 121.75 Students

- a) To participate in the program, students between 18 and 19 who are physically and mentally fit and enrolled at least half-time in an institution of higher education must meet one of the following requirements:
- 1) employed at least 20 hours per week and paid for this employment or, if self-employed, employed at least 20 hours per week and earn at least 20 times the Federal Minimum Wage; minimum-wage-or
  - 2) approved to participate in a State or federally-funded work study program for the school year and the individual expects to work during that year; participating in a federally-funded work-study program during regular school term--the program must be education-activity-or
  - 3) responsible for the care of a dependent household member under the age of sixty-or
  - 4) AFPC responsible for the care of a dependent household member, who is at least age six or less than age 12, for whom child care is not available. Child care is considered available when:
    - A) the child(ren) is receiving child care services for 24 or more hours a week or
    - B) there is a household member age 18 or older, other than the student, who is available to provide the care, (for example, if the student is unemployed and living at home) and the member is not physically or mentally incapacitated.
  - C) In all other circumstances child care is considered not available, or
  - 5) receiving Aid to Families with Dependent Children (AFDC) or
  - 6) enrolled in a program under the Job Training Partnership Act

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## (JPA);

- 7) enrolled as a result of the JOBS Program under Title IV of the Social Security Act or its successor;
  - 8) enrolled full-time in an institution of higher education and is a single parent or person providing parental control whose spouse is not in the home and is responsible for the care of a dependent child under age 12;
  - 9) enrolled in any education or training program (including college) required by the Food Stamp Employment and Training Program; or
  - 10) participating in an on-the-job training program.
- b) Students must continue to meet the requirements in subsection (a) of this Section during the summer break.
- c) A student is enrolled in an institution of higher education if he or she is enrolled in:
- 1) a business, technical, trade or vocational school that normally requires a high school diploma or the equivalent for enrollment; or
  - 2) regular courses at a college or university that offers degree programs.

- d) A college or university student enrolled in a special program, such as English as a second language or community education courses, is not enrolled in an institution of higher education.

e) A student is subject to the special student eligibility requirements beginning on the first day of the school term at the institution of higher education. Student status continues through normal periods of class attendance, vacations and recesses until:

- 1) the student graduates or is suspended;
- 2) the student is expelled or suspended; or
- 3) the student drops out of school; or
- 4) the student does not intend to register for the next term, excluding the summer school session (that is, after the student's status continues to the end of the term for which the student is presently enrolled and he or she does not plan to enroll for another term).

(Source: Amended at 21 Ill. Reg. 3156, effective February 28, 1997)

## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

## Section 121.91 Monthly Reporting

- a) Individuals who receive income from a sheltered workshop and individuals who receive public assistance benefits under the Aid to the Aged, Blind or Disabled Program as either an Aged, Blind, or Disabled case are excluded from monthly reporting, unless another household member is required to report monthly, as defined in 7 CFR 272.21 and subsections (b)(1), (2) and (3) of this Section.

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- b) The following food stamp Food-Stamp households are required to report monthly:
- 1) all households having at least one member receiving earned income (see Section 121.40(b));
  - 2) households having at least one member receiving Unemployment Insurance Benefits (UI);
  - 3) households having at least one member who has lost employment within the last three months.
- c) Migrant households in the migrant job stream do not have to report monthly.
- d) The report shall include:
- 1) income and other circumstances relevant to the amount of the food stamp allotment; and household composition and bank accounts
  - 2) affecting eligibility which the household expects to occur in the current month or future months or which occurred in the budget month.
- e) With monthly reporting, the household is required to provide verification of the following information each month:
- 1) gross earned income (for example, pay stubs);
  - 2) income and assets of an alien's sponsor and the sponsor's spouse; and
  - 3) questionable information (information is considered questionable if information on the Monthly Report does not agree with statements of the recipient, other information on the Monthly Report or other information received by the local office).
- f) The household is required to provide verification of gross unearned income each month, if the information has changed since the last report.
- g) If the household does not provide the required verifications, the following actions are taken:
- 1) earned income - the Monthly Report is considered incomplete and food stamp Food-Stamp benefits are suspended;
  - 2) all other required verifications:
    - A) benefits are decreased, if the unverified reported change results in a decrease; or
    - B) if benefits would increase as a result of the unverified reported change, then no action is taken.
- h) All food stamp Food-Stamp households, which must report monthly, shall have benefits calculated by considering income and attendant circumstances on a retrospective basis except those participating in the AFDC income budgeting project (see Section 170.50). The budgeting household Food-Stamp grant is used to calculate the cash grant to calculate the food stamp benefit level.
- i) The Monthly Report must be received or postmarked by the seventh day of the next fiscal month, the first workday following the seventh day of the next fiscal month when the seventh is a Saturday, Sunday or holiday. If a household files a complete report after the scheduled

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- due date but before the household has been terminated, the household shall be reinstated, if determined eligible. (See 89 Ill. Adm. Code 101.20 for a definition of "fiscal month".)
- j) At recertification, the household must complete a Request for Food Stamps. This Request for Food Stamps, along with the Monthly Report monthly-report form, is the application for recertification.
  - k) In lieu of a monthly report, General Assistance (GA) recipients in the Heads-of-Households must comply with a review of their food stamp eligibility which will occur in conjunction with any redetermination of General Assistance. (See 89 Ill. Adm. Code 114.420.) The review will cover those elements specified in subsection (d) of this Section. Verification of eligibility factors will be required as specified in subsection (e) of this Section. This review is in addition to regular recertification which will occur every 12 months.

(Source: Amended at 21 Ill. Reg. 315, effective February 29, 1997)

## Section 121.92 Retrospective Budgeting

- a) All food stamp Food-Stamp households, except migrant households who are in the migrant job stream, shall have income and attendant circumstances, except shelter costs, budgeted on a retrospective basis. Shelter costs shall be prospectively budgeted except--migrant households who are in the migrant job stream.

- b) Head-of-Household-Receive-Cash-Assistance-If For households where the head of household household receives cash assistance from the Department:

- 1) Eligibility for food stamps Food-Stamps is first determined on a prospective basis for all eligibility factors. If eligible on this prospective basis, the actual amount of benefits the household is entitled to receive shall be determined by budgeting income and attendant circumstances, except shelter costs, retrospectively. Shelter costs shall be budgeted prospectively. For AFDC or RRA households eligible on a prospective basis, the benefit amount is computed in the same manner as the cash payment beginning the second regular month of cash assistance.
  - 2) At initial application, however, income and attendant circumstances shall be budgeted prospectively for two months before beginning retrospective budgeting in the third month, except for households whose earnings have been reduced due to a strike, voluntary quit, voluntary reduction in wages or who have less income from an assistance program because of an overpayment of Social Security Administration (SSA), SSI, AFDC or General Assistance.
  - 3) Head-of-Household-Does-Not-Receive-Cash-Assistance
- c) For households where the head of household household does not

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receive cash assistance from the Department:

1) Eligibility and the amount of benefits shall be determined retrospectively at all times. However, at initial application, households which will suffer serious hardship shall have eligibility and the amount of benefits determined by budgeting income and attendant circumstances prospectively for two months before beginning retrospective budgeting. Households which will suffer serious hardship are:

A) Households which have gained or expect to gain a new household member in the month of application;

B) Households entitled to expedited service services, determined prospectively, for the month of application;

C) Households applying for cash assistance from the Department at the same time they are applying for food stamps.

D) Households who have lost their source of income prior to applying for food stamps. Food stamps or whose source of income has been significantly reduced prior to applying for food stamps. Food stamps. Income has been significantly reduced if the reduced income (minus 18% of earned income for work expenses) is less than the applicable AFDC Payment Level for that family size.

2) Households whose earnings have been reduced due to a strike, voluntary quit, voluntary reduction in wages or who have less income from an assistance program because of an overpayment of Social Security Administration (SSA) or SSI benefits are not entitled to consideration as a serious hardship household.

3) If a household becomes ineligible for food stamps Food-Stamps due to a periodic increase in recurring income (for example, a wage earner is paid every Friday and there are five rather than four paydays in a budget month) the household shall be suspended for a month rather than terminated.

4) The budget month is the fiscal month from which the Department uses actual income and attendant circumstances, except shelter costs which are budgeted prospectively, to determine the amount of benefits the household is entitled to receive. The payment month is the fiscal month which the food stamp benefits cover. The payment month is the second fiscal month following the budget month for cases subject to retrospective budgeting.

5) The budget month and payment month for each food stamp Food-Stamp case are determined by the schedule the household is in, which schedule also governs the approximate mailing date of the food stamp benefits:

SCHEDULE NUMBER	BUDGET MONTH AND PAYMENT MONTH DATES
00	1st through last day of Calendar Month
01	1st through last day of Calendar Month

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02 1st through last day of Calendar Month  
 03 1st through last day of Calendar Month  
 04 7th through 6th day of Calendar Month  
 05 10th through 9th day of Calendar Month  
 06 14th through 13th day of Calendar Month  
 07 17th through 16th day of Calendar Month  
 08 20th through 19th day of Calendar Month  
 09 22nd through 21st day of Calendar Month

9) The above table applies to all food stamp Food-Stamp households whether or not they report monthly, and food stamp benefits are mailed at or near the beginning of the payment month.

(Source: Amended at 21 Ill. Reg. 3156, effective February 28, 1997)

## Section 121.131 Fleeing Felons and Probation/Vacole Violators

Individuals are ineligible to receive food stamp benefits if they are: a) fleeing the law to avoid prosecution, custody or confinement after conviction for crime or attempt to commit a crime; or b) a felon under the law from the place from which the person is fleeing; or c) violating a condition of probation or parole imposed under a federal or State law.

(Source: Added at 21 Ill. Reg. 3156, effective February 28, 1997)

## SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

## Section 121.151 Penalties for Intentional Violations of the Program

a) Persons found to have intentionally violated the Food Stamp Program, as set forth in Section 121.153(a), are disqualified for:

- 1) 12 months for the first violation;
- 2) 24 months for the second violation; and
- 3) permanently for the third violation; or
- 4) as specified by a court decision.

b) A person is permanently disqualified if he or she is convicted of trafficking food stamp benefits of \$500 or more.

c) A person is disqualified from receiving food stamps for ten years when an Administrative Disqualification Hearing or a Federal or State court convicts him or her of making a false statement or representation about his or her identity or residence and as a result he or she receives more than one food stamp issuance at the same time.

d) If the person is currently participating in the Food Stamp Program, disqualification begins no later than the second fiscal month (defined at 89 Ill. Adm. Code 101.20) after the month of the hearing decision.

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Once the period of disqualification is imposed, it continues regardless of the eligibility of the disqualified member's household. e) If the person is not participating in the Food Stamp Program, the disqualification begins the month after the month of the hearing decision.

f) If the individual intentionally failed to report income, the earned income deduction is not applied to that portion of income the individual failed to report (not the entire amount of earned income) when calculating the overpayment amount.

(Source: Amended at 21 Ill. Reg. 2156, effective February 28, 1997)

## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

## Section 121.182 Earnfare Component

a) Assignment to the Earnfare Component is limited to adults who receive food stamps and who volunteer or are court-ordered to participate.

b) Eligibility Criteria  
1) Eligibility for the Earnfare Component shall be limited to six months out of any 12 consecutive month period except that court-ordered participants shall participate for six months out of any 12 consecutive month period for less than six months out of any 12 consecutive month period.

2) Individuals are not entitled to be placed in an Earnfare slot. Earnfare slots shall be made available only as resources permit.

3) To the extent resources permit, the Earnfare program will allow individuals to work for monthly payments and to improve their employability in order to succeed in obtaining employment.

c) Administration and Contracts

1) The Illinois Department shall administer the Earnfare program in Chicago.

2) The Illinois Department may enter into cooperative agreements with local governmental units in selected geographic areas which want to participate in the operation of the Earnfare program outside the City of Chicago. The Department shall establish the policies and procedures for the program and monitor Earnfare programs in local governmental units. Local governmental units will be eligible to participate in the operation of an Earnfare program in the following priority order as resources permit:

- A) Local governmental units that receive State funds.
- B) Local governmental units that neither receive State funds nor are under a current contract with the Department will be eligible to contract with the Department to administer Earnfare. The Department will reimburse client payments, transportation and up to 50% of allowable administrative staff costs. The Department will select non-receiving units

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to participate in the program from the applications received based on, but not limited to, the unemployment rate, percentage of the population receiving food stamps, outreach and recruitment plans, linkage with employers and connection to a court of competent jurisdiction to enable operation of the Non-custodial Parent/Earnfare Initiative.

3) The Illinois Department may enter into contracts with other public agencies including state agencies, local governmental units, and not-for-profit community based organizations to help develop Earnfare opportunities and otherwise administer the program.

4) The Illinois Department may enter into contracts with community based organizations as comprehensive providers to administer and operate Earnfare in the City of Chicago.

5) The Illinois Department shall provide Worker's Compensation coverage for each individual assigned to Earnfare.

d) Notification and Referrals

1) In areas where the Earnfare program is operating, when the Illinois Department or the local governmental unit learns that individuals are in the following categories, it shall inform them in writing and, whenever possible, orally of the existence of Earnfare and the method for requesting an Earnfare referral.

- A) Households approved or certified for non-assistance food stamps which do not have net food stamp income in excess of \$154.00 per month;
- B) All persons denied or terminated from State Transitional Assistance because they are employable; and

C) All Earnfare participants shall be given a written notice at the time they leave the Earnfare program specifying when they will re-qualify.

2) The Illinois Department, comprehensive providers and participating downstate units shall make referrals to the Earnfare program as follows:

- A) Any person may request a referral.
- B) Exempt and nonexempt food stamp individuals and individuals not receiving food stamps who are non-custodial parents of AFDC children may be ordered by a court of competent jurisdiction to participate in the Earnfare Component.

C) Within 30 days after a request for an Earnfare referral:

- i) persons who do not qualify for the Earnfare program shall be given or sent a notice informing them that they do not qualify and will not receive a referral;
- ii) persons who request a referral and who qualify for the Earnfare program shall be provided with a written document that acknowledges the request and informs the individual that he or she is qualified.

3) Within 30 days after notice of eligibility, individuals shall be assessed and referred to appropriate Earnfare slots, if slots are

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available.

e) For the purposes of Earnfare, a "suitable" Earnfare slot must meet the following requirements:

- 1) there are no questions as to the individual's ability to engage in such employment for medical reasons or because the individual has no way to get to or from the particular job;
- 2) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection;
- 3) the individual may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;
- 4) there is no unreasonable degree of risk to the individual's health and safety; and
- 5) the individual is physically and mentally competent to perform the work.

f) Individuals participating in Earnfare shall not displace or substitute for regular, full-time or part-time employees, regardless of whether the employee is currently working, on a leave of absence, or in a position or similar position where a layoff has taken place or the employer has terminated the employment of any regular employee or otherwise reduced its work force with the effect of filling the vacancy so created with an individual subsidized under this program, or is or has been involved in a labor dispute between a labor organization and the sponsor.

g) Entry into the Component

- 1) Individuals shall be referred to suitable Earnfare slots with local organizations, units, non-for-profit, community based and local organizations, other public agencies, including State agencies, and with private employers.
- 2) To the extent appropriate slots are available, individuals will be referred to suitable Earnfare activities based on an assessment of the individual's age, literacy, education, educational achievement, job training, work experience, and recent institutionalization, whenever these factors are known and are relevant to the individual's success in carrying out the assigned activities and in ultimately obtaining employment. The Department or the participating local governmental unit shall discuss with the individual available Earnfare assignments, together with any restrictions and qualifications the Earnfare employers have specified for the assignments. The individual's personal preferences for available Earnfare assignments and the individual's employment goals shall be ascertained and considered in making the Earnfare referral.

- 3) The Department, comprehensive providers and local governmental units shall maintain up-to-date public listings by area of Earnfare employers and current information regarding openings in those projects. These listings and the information shall be available to the public, in writing or by phone, during regular

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business hours.

b) Payments

- 1) Individuals participating in Earnfare shall engage in hours of work equal to the amount of the food stamp benefits divided by the federal minimum wage up to a maximum of 26 hours and subsequently shall engage in hours of work at minimum wage for each additional hour of performance in Earnfare activity, up to a maximum of \$231.00 per month. Effective October 1, 1997, the date the federal minimum wage is increased to \$7.25 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$261.00 per month. Effective September 1, 1997, the date the federal minimum wage is increased to \$5.15 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$294.00 per month. An individual is considered to have participated in Earnfare in any month he or she earns a payment.

A) If a court of competent jurisdiction orders an individual to participate in the Earnfare program, hours engaged in employment-assigned activities multiplied by the federal minimum wage shall first be applied as a \$50.00 payment made to the custodial parent as a support obligation. If the individual receives food stamps, the individual shall engage in hours of employment-assigned activities equal to the amount of the food stamp benefits divided by the federal minimum wage up to a maximum of 26 hours and subsequently shall earn assistance at minimum wage for each additional hour of performance in Earnfare activity. The individual can earn a maximum of \$231.00 each month including the amount of the support obligation. Effective October 1, 1997, the date the federal minimum wage is increased to \$7.25 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$261.00 each month, including the amount of the support obligation. Effective September 1, 1997, the date the federal minimum wage is increased to \$5.15 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$294.00 per month, including the amount of the support obligation.

B) Individuals will be assigned hours of Earnfare based upon their initial food stamp authorization amount. An individual living in a multi-person food stamp household shall be deemed to be receiving a per capita share of the household's food stamp allotment, for purposes of calculating the Earnfare hours.

C) During an individual's Earnfare participation, the Department or the local governmental unit shall alter the Earnfare hours each time the individual's monthly food stamp benefit changes by at least \$20.00, effective the same month as the change in the food stamp benefit. Individuals and



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contractors will be notified by the Department or the local governmental unit of the number of hours of work to be performed by an individual in Earnfare.

- 2) Individuals remain financially eligible for Earnfare and Earnfare job search activity so long as they receive food stamps. Receipt of food stamps is not an eligibility requirement of Earnfare when a court of competent jurisdiction orders an individual to participate who is a non-custodial parent of AFDC children.
- 3) The Department may pay participants directly or may contract for the Earnfare employer to pay the individual. Payments shall be made no less frequently than monthly. Individuals shall be paid only for the hours they have actually worked in excess of the food stamp hours of work obligation and, if ordered by a court of competent jurisdiction, in excess of food stamp hours and the support obligation.
- 4) Individuals shall be credited with hours of work that the Earnfare employer certifies them to have completed, according to criteria set forth in the contract with the Illinois Department, comprehensive providers or the local governmental unit. The Department, comprehensive providers or the local governmental unit staff shall attempt to resolve disputes between the Earnfare employer and the individual when there is disagreement over the number of hours worked. The dispute cannot be resolved, the individual may advise the Illinois Department in writing. The Illinois Department or the provider shall, in advance, provide individuals with participation in Earnfare who need transportation with the cost of transportation in getting to and from the Earnfare site and to Earnfare participants who are not in the job search component for specific job interviews arranged by their Earnfare employer. Individuals obtaining unsubsidized employment while participating in Earnfare may be eligible for initial employment expenses as stated in Section 121.188.
- 6) Participants in the Earnfare job search activity are eligible for employer contact related expenses not to exceed \$20.00 every 30 days for a maximum of two months in a 12 consecutive month period.
- 7) The Illinois Department will provide necessary clothing to enable participants to report to their Earnfare job site. Participants will be required to submit a written request for clothing needed.

## 1) Participation Requirements

- 1) Individuals may volunteer to participate in Earnfare and participation shall be limited to only six months out of any 12 consecutive month period except that court-ordered participants shall participate for six months unless the court orders participation for less than six months out of any 12 consecutive month period. Individuals participating in Earnfare shall engage in hours of work equal to the amount of the food stamp benefits divided by the federal minimum wage up to a maximum of 26 hours

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and subsequently shall earn assistance at minimum wage for each additional hour of work up to a maximum of \$231.00 per month. Effective October 1, 1996, the date the federal minimum wage is increased to \$4.75 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$261.00 per month. Effective September 1, 1997, the date the federal minimum wage is increased to \$5.15 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$294.00 per month.

A) If a court of competent jurisdiction orders an individual to participate in the Earnfare program, hours engaged in employment-assigned activities multiplied by the federal minimum wage shall first be applied as a \$50.00 payment made to the custodial parent as a support obligation. If the individual receives food stamps, the individual shall engage in hours of employment-assigned activities equal to the amount of the food stamp benefits divided by the federal minimum wage up to a maximum of 26 hours and subsequently shall earn assistance at minimum wage for each hour of performance in Earnfare activity up to \$231.00 including the amount of the support obligation. Effective October 1, 1996, the date the federal minimum wage is increased to \$4.75 per hour, individuals participating in Earnfare shall be able to earn the maximum of \$261.00 each month, including the amount of the support obligation. Effective September 1, 1997, the date the federal minimum wage is increased to \$5.15 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$294.00 per month, including the amount of the support obligation.

B) Individuals participating in Earnfare first work the number of hours equal to food stamp benefits and subsequently earn financial assistance benefits.

- 2) Individuals are required to report as scheduled and on time to their Earnfare employer when notified of a referral. When they cannot report to their Earnfare assignment or if they will be late, they are to immediately notify their Earnfare employer.
- 3) If the individual demonstrates an inability to sustain the work that has been assigned and the Earnfare assignment was appropriate to the individual's abilities, the Illinois Department shall re-assess the individual and, if appropriate, shall refer the person to apply for Transitional Assistance or Interim-Assistance--and Federal SST benefits. If the person is ordered by a court of competent jurisdiction to participate in the Earnfare Component, that person shall also be referred back to the court when unable to perform the work that has been assigned.

4) An individual may be dismissed by the employer from an Earnfare assignment prior to its completion. The Department, comprehensive providers or local governmental unit shall return

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an individual dismissed by an employer to the client pool. An individual dismissed by an employer shall be treated as a new program entrant for the purpose of Earnfare assignments. A dismissal from an Earnfare assignment shall not cause a food stamp sanction.

- 5) During Earnfare assignment, individuals are required to accept bona fide offers of suitable employment pursuant to Section 21.162(c)(4).
- 6) During the Earnfare assignment participants are required to apply for suitable jobs for which the provider makes a referral.
- 7) Earnfare clients may participate in a voluntary job search activity as resource persons for referrals for failure to comply. Earnfare clients may participate for up to 12 consecutive month period, either concurrently or following the six-month eligibility period for Earnfare. Clients are required to make a minimum of 20 employer contacts each month while in the Earnfare job search activity.

(Source: Amended at 21 Ill. Reg. 9156, effective February 28, 1997)

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- 1) Heading of the Part: Rules of Practice and Procedure in Administrative Hearings
- 2) Code Citation: 77 Ill. Adm. Code 100
- 3)
 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
100.1	Amendment
100.2	Amendment
100.3	Amendment
100.4	Amendment
100.6	Amendment
100.7	Amendment
100.8	Amendment
100.10	Amendment
100.12	Renumbered
100.13	Renumbered
100.14	Renumbered
100.17	Amendment
100.19	Amendment

- 4) Statutory Authority: Implementing and authorized by Section 5-10(a)(1) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(1)] and Sections 55 through 55.63 of the Civil Administrative Code of Illinois [20 ILCS 2310].

- 5) Effective Date of Amendments: March 3, 1997

- 6) Does this Rulemaking Contain an Automatic Renewal Date? No

- 7) Does this Rulemaking Contain an Incorporation by Reference? No

- 8) Date Filed in Agency's Principal Office: March 3, 1997

- 9) Date Notice of Proposed Amendments was Published in the Illinois Register: 20 Ill. Reg. 8209 - June 21, 1996

- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking? No

- 11) Difference Between Proposal and Final Version: Section 100.4(a) has been revised to read, "For hearings conducted pursuant to Sections 2-100(d) and 3-410 of the NRCRA, a visitor or resident shall have the option of being represented by a non-attorney of his or her choosing. Also, mention of complainants in Section 100.4(b) and (c) has been deleted because this Section is not applicable to hearings requested by complainants.

The following new language has been added at the end of Section 100.10(b):  
For purposes of this Section, the "last official address" shall be the

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address listed on the most recent application submitted to the Department, unless the Department has been subsequently notified in writing of a change of address. For certified nursing assistants and habilitation aides, the "most recent application" shall be information submitted by the training program or testing entity which qualified the individual to be entered on the registry.

Section 100.7(g) has been revised to read:

Venue shall be the location designated in the Notice of Administrative Hearing. Venue may be moved to another location upon stipulation by all parties or upon a showing to and a finding by the administrative law judge that exceptional circumstances, including but not limited to, age, infirmity, or inability to travel, exist which make it desirable, in the interest of justice, to allow a change of venue.

Sections 100.13(k) and (l) have been revised to read:

k) for good cause shown, including but not limited to, age, infirmity, or inability to travel, evidentiary depositions shall be allowed;

l) absent a showing of good cause, no document shall be offered into evidence which was not disclosed in accordance with the requirements in Section 100.12(b), and no witness shall testify whose name was not provided pursuant to Section 100.12(c). For purposes of this subsection, a showing of good cause shall mean that a party, through not fault of its own, did not have knowledge of a document to be offered into evidence or the name of a witness within the time frame necessary for compliance with Section 100.12(b) and (c).

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? All changes requested by the Joint Committee on Administrative Rules have been made.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? No

15) Summary and Purpose of Rulemaking: These rules govern the conduct of administrative proceedings and hearings conducted before the Department of Public Health save for the exceptions specified in Section 100.1. The rules set forth procedural and substantive rights relating to the conduct of formal administrative proceedings. The amendments will remedy some inconsistencies and inefficiencies in prehearing discovery as well as clarifying the rights and obligations of all parties to administrative actions.

The revisions to Section 100.3 are made to clarify terminology as to the

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designation by name of "parties" to administrative proceedings in order to obtain consistency with terminology in the Nursing Home Care Act and the Illinois WIC Vendor Management Act.

Changes made in Section 100.4 are for the purpose of making the Department's rules consistent with Illinois laws regarding the practice of law.

Amendments to Section 100.6 are for the purpose of making the rules fully consistent with the Nursing Home Care Act and to codify changes made in the hearing of complainant cases made as a result of a consent decree entered in the matter of Protection and Advocacy v. Jumeikin.

Amendment of Section 100.7 is sought to eliminate a requirement for answers to pleadings in cases where this has proved to be of little benefit to the Department and has been burdensome to respondents. The changes relating to venue (Section 100.9) are made in response to requests made by advocacy groups on behalf of elderly and handicapped individuals.

Changes to Section 100.10 are for the purpose of avoiding the re-opening of old proceedings. Sections 100.12, 100.13 and 100.14 are being renumbered

16) Information and Questions Regarding this Adopted Rulemaking Should be Directed to:

Gail M. DeVito  
Division of Governmental Affairs  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
(217) 782-6187

The full text of the Adopted Amendment begins on the next page:

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER a: GENERAL RULES

PART 100  
RULES OF PRACTICE AND PROCEDURE IN ADMINISTRATIVE HEARINGS

- Section  
100.1 Authority - Applicability of these Rules  
100.2 Definitions  
100.3 Parties to Hearings  
100.4 Appearance - Right to Counsel  
100.5 Emergency Action  
100.6 Hearings Requested by Complainants  
100.7 Initiation of a Contested Case  
100.8 Motions  
100.9 Forms  
100.10 Service  
100.11 Prehearing Conferences  
100.12 Discovery Hearings  
100.13 Subpoenas  
100.14 Subpoenas Scope-of-Discovery  
100.15 Administrative Law Judge's Report and Recommendations  
100.16 Proposal for Decision  
100.17 Final Orders  
100.18 Records of Proceedings  
100.19 Miscellaneous

AUTHORITY: Implementing and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)] and Sections 55 through 55.63 of the Civil Administrative Code of Illinois [20 ILCS 2310/55 through 55.63].

SOURCE: Adopted at 2 Ill. Reg. 38, p. 91, effective September 23, 1978; amended and codified at 4 Ill. Reg. 43, p. 127, effective October 14, 1980; amended at 5 Ill. Reg. 14167, effective December 9, 1981; amended at 6 Ill. Reg. 2235, effective February 2, 1982; amended at 11 Ill. Reg. 1937, effective January 9, 1987; amended at 18 Ill. Reg. 5980, effective April 1, 1994; amended at 21 Ill. Reg. 3208, effective March 2, 2000.

Section 100.1 Authority - Applicability of these Rules

- a) This Part of practice and procedure for administrative hearings is promulgated pursuant to Section 5-10(a)(i) of the Illinois Administrative Procedure Act (IAPA) ~~44141-Rev-Stat-1991~~ ~~chr-1427~~ ~~par-1895-18434444~~ [5 ILCS 100/5-10(a)(i)].  
b) This Part shall govern all contested cases in the Department of Public Health, State of Illinois, except as noted in subsections (d) and (e)

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- of this Section. Where a licensing statute prescribes certain procedures or requirements for licensure hearings, those procedures or requirements will be followed as though they were set forth in these rules. In the event there is a conflict between the licensing statute and this Part, the licensing statute shall prevail.  
c) This Part shall also apply to contested cases resulting from the Department's administration of any program on behalf of the United States government. In the event there is a conflict between federal regulations and these rules, federal regulations shall prevail.  
d) This Part shall not govern the various informal administrative procedures established by the Department to resolve licensing issues or conflicts prior to initiating any action requiring a formal hearing.  
e) This Part shall not govern contested cases conducted pursuant to 77 Ill. Adm. Code 430-Rules-of-Practice-and-Procedure-in-Administrative-Hearings-Held-Pursuant-to-Sections-2-18449-and-3-410-of-the-Nursing-Home-Care-Reform-Act-of-1999-and 77 Ill. Adm. Code 1180 (Practice and Procedure in Administrative Hearings) (Health Facilities Planning Board).

(Source: Amended at 21 Ill. Reg. 3208, effective March 2, 2000)

Section 100.2 Definitions

"Administrative Law Judge" shall mean any attorney licensed to practice law in Illinois appointed by the Director to preside at an administrative hearing pursuant to the provisions of this Part, and shall be subject to Sections 2-100(d) and 3-410 of the NHCRA, the Department of Public Health, State of Illinois, and the Department of Public Health, State of Illinois, shall act as Administrative Law Judge.

"Contested case" shall have the meaning ascribed to it in Section 1-30 of the IAPA.

"Department" shall mean the Department of Public Health, State of Illinois.

"Director" shall mean the Director or the designee of the Director of the Department of Public Health, State of Illinois.

"Hearing Officer" shall mean administrative law judge

"IAPA" shall mean the Illinois Administrative Procedure Act ~~44141-Rev-Stat-1991~~ ~~chr-1427~~ ~~par-1895-18434444~~ [5 ILCS 100].

"License" shall have the meaning ascribed to it in Section 1-35 of the IAPA.

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"Licensing" shall have the meaning ascribed to it in Section 1-40 of the IAPA.

"NHCA" shall mean the Nursing Home Care Act (441 Rev. Stat. 1991, ch. 111-1/2, par. 4-151-101 et seq.) [210 ILCS 45].

"Person" shall have the meaning ascribed to it in Section 1-60 of the IAPA.

(Source: Amended at 21 Ill. Reg. **3208**, effective March 1, 1991)

## Section 100.3 Parties to Hearings

a) Except for hearings conducted pursuant to the Nursing Home Care Act and the WIC Vendor Management Act, the parties to an administrative hearing before the Department are the Department (as Complainant) and the Respondent.

b) For hearings conducted pursuant to the NHCA:

1) In a Complainant's hearing (Section 3-702(a) of the NHCA), the parties are the Department and the Complainant. The facility which was investigated may participate as a third party (see Section 100.6 of this Part).

2) In a denial of access hearing (Section 2-110(d) of the NHCA), the parties are the person who requested a hearing based on denial of access to a facility and the facility.

3) In an involuntary transfer/discharge hearing, the parties are the resident who is to be transferred/discharged and the facility.

4) In all other NHCA hearings, the parties are the Department (as Complainant) and facility (as Respondent). If the action resulted from a complaint filed with the Department, the person who filed the complaint may participate as a third party.

5) A third party must file an appearance with the Administrative Law Judge on or before the date of the prehearing conference, if one is scheduled, or prior to the hearing date if no prehearing conference was scheduled.

6) For hearings conducted pursuant to the WIC Vendor Management Act (410 ILCS 235):

1) In denial of application cases, the parties are the entity whose application is being denied (as Applicant) and the Department (as Respondent).

2) In all other cases, the parties are the Department (as Complainant) and the authorized or unauthorized vendor (as Respondent).

d) A Respondent is a person against whom a complaint or petition is filed or to whom a notice of an opportunity for hearing is directed.

e) The parties to an administrative hearing before the Department are the Department, the Respondent, and the Complainant, pursuant to the

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## Nursing Home Care Act

b) A Respondent is a person against whom a complaint or petition is filed or to whom a notice of an opportunity for hearing is directed.

c) This Section does not apply to those administrative hearings conducted pursuant to Section 196-6 of this Part.

d) If a Respondent requests a hearing pursuant to the NHCA, the Complainant pursuant to Sec. 3-702(g) of that Act may participate as a party.

(Source: Amended at 21 Ill. Reg. **3208**, effective March 1, 1991)

## Section 100.4 Appearance-Right to Counsel

a) Any party to a proceeding may appear and be represented by an attorney authorized to practice law in the State of Illinois. Any individual party may waive this right and either represent himself or herself. For hearings conducted pursuant to Sections 2-100(d) and 3-410 of the NHCA, a visitor or resident shall have the option of being represented by a non-attorney of his or her choosing, or be represented by someone else of his or her choosing, which representative may or may not be an attorney authorized to practice law in the State of Illinois.

A corporation, partnership or association shall appear and be represented only by an attorney authorized to practice law in the State of Illinois. Proceedings for the purposes of this Section shall begin with the filing of the Answer pursuant to Section 189-7(d). A shareholder, corporate officer, employee, or member of the board of directors may not appear or represent a corporation or association unless that individual is authorized to practice law in the State of Illinois.

b) Only persons admitted by the Supreme Court of this State to practice as attorneys and counselors at law shall represent parties in proceedings before this Department, except where an individual party chooses otherwise. All persons appearing in proceedings before the Department, including a visitor's or resident's non-attorney representative, shall conform to the standards of ethical conduct required of attorneys before the courts of Illinois. If any person does not conform to such standards, the administrative law judge may decline to permit such person to appear in any proceeding. Whenever a party is being represented by a non-attorney representative, said representative will be held to the same standards as though he or she were an attorney.

c) Any attorney or other person appearing before the Department as a visitor or a resident, or any party shall file an appearance containing the name of the party, the address and telephone number of the attorney or representative, in an affirmative statement that the attorney is or is not duly licensed in the State of Illinois, and the written signature of the attorney or

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representative.

- d) Special appearances are not recognized. The initial appearance regardless of form is deemed a general appearance.
- e) An attorney may withdraw his or her appearance and/or representation only upon motion and appropriate ruling by the administrative law judge. However, attorneys may be substituted without motion upon notice to all parties and the administrative law judge if the substitution will not delay the proceedings, a statement to that effect is contained in the notice, and a substitute Appearance form is filed concurrently with the Notice.

(Source: Amended at 21 Ill. Reg.

3208 effective

Amended at 21 Ill. Reg.

## Section 100.6 Hearings Requested by Complainants

Pursuant to Section 3-702(g) of the NHCRA, a complainant who is dissatisfied with the determination or investigation by the Department of his or her complaint may request a hearing. (Section 3-702(g) of the NHCRA)

a) The parties to administrative hearing pursuant to this Section are the Department and the Complainant and the Petitioner. The facility shall be given notice of any such hearing and may participate in the hearing as a third party (Section 3-702(i) of the NHCRA). A request to participate as a third party must be filed in accordance with Section 100.3(b)(15) of this Part.

- b) For the purposes of this Section, a Complainant is an individual who has filed a complaint pursuant to the NHCRA, if the individual filing the complaint indicates that she or he is acting as the agent of an organization or another individual, and so requests, said organization or other individual will be the Complainant for the purposes of this Section. In that case, the individual who acted as agent for the organization or other individual will be a "referring agent". Unless objected to by the Complainant, the referring agent shall be entitled to receive Notice of Complaint Determination and any request for hearing made pursuant to this Part.

c) In accordance with Sections 3-703 through 3-712 of the NHCRA, the Director shall designate an administrative law judge to conduct hearings requested by dissatisfied Complainants. All hearings shall be conducted pursuant to the provisions of this Part.

- d) Dissatisfied Complainants pursuant to this Section shall have the opportunity to contest the adequacy of the Department's investigation and its determination as to whether the complaint was valid, invalid, or in violation and also the Department's determination as to whether "determination" in this Section, it shall include any investigation resulting in said determination.

e) Dissatisfied Complainants pursuant to this Section do not have the opportunity to contest any other determinations or decisions of the

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Department.

- f) Nothing contained herein shall be deemed to entitle a dissatisfied Complainant to additional hearings or to a rehearing of a case which has already been the subject of a formal administrative hearing or a Final Order.

g) In accordance with Sections 3-703 through 3-712 of the NHCRA, the Director shall designate an administrative law judge to conduct hearings requested by dissatisfied Complainants. The facility shall be given notice of any such hearing and may participate in the hearing as a party (Section 3-702(f) of the NHCRA).

- h) For the purposes of this Section, a Complainant is an individual who has filed a complaint pursuant to the NHCRA, if the individual filing the complaint indicates that she or he is acting as the agent of an organization or another individual, and so requests, said organization or other individual will be the Complainant for the purposes of this Section. In that case, the individual who acted as agent for the organization or other individual will be a "referring agent". Unless objected to by the Complainant, the referring agent shall be entitled to receive Notice of Complaint Determination and any request for hearing made pursuant to this Part.
- i) Complainants pursuant to this Section shall carry the burden to prove, by a preponderance of the evidence, that the aforesaid determinations of the Department were improper.

- j) At the conclusion of the hearing, the administrative law judge shall prepare a report in accordance with Section 100.15, and make a recommendation to the Director specifying whether the complaint should be reinvestigated and/or any invalid or undetermined finding should be changed to a valid finding or the Department should reconsider the failure to cite a facility with any violation.

(Source: Amended at 21 Ill. Reg. 3208 effective

Amended at 21 Ill. Reg.

## Section 100.7 Initiation of a Contested Case

- a) In contested cases, except those held pursuant to Section 100.6, the Department shall serve on the Respondent a Notice of Opportunity for an Administrative Hearing which shall contain:

- 1) a statement of the nature of the action;
- 2) a statement of the legal authority and jurisdiction under which the action is being initiated;
- 3) a reference to the particular Sections of the statutes and rules involved;
- 4) allegations of noncompliance; for requesting an administrative hearing (Section 10-25 of the IHR), including a statement which the request must be received by the Department, which must be met at least ten days after the Notice is mailed or personally delivered;



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- served;
- 6) Unless the case is brought pursuant to Title XVIII or XIX of the Social Security Act, the NMCA or the WIC Vendor Management Act, a statement setting forth the requirement of an Answer, pursuant to subsection (d) of this Section; and
  - 7) except where a more detailed statement is otherwise provided for by law, a short and plain statement of the matters asserted, the consequences of a failure to respond, and the official file or reference number. (Section 10-25 of the IAPA)
  - b) A person who receives a Notice of an Opportunity for an Administrative Hearing must submit a written request for a hearing to the Department. The request is to be sent to the Department at the address stated in the Notice and must be received by the date set forth in the Notice. Failure to comply with this Section shall constitute a waiver of the person's right to an administrative hearing.
  - c) Upon receipt of a timely request for hearing, the Department shall issue a Notice of Hearing or Prehearing Conference. The notice of hearing or prehearing conference shall contain:
    - 1) a statement of the nature of the hearing;
    - 2) Conference will be held, and place that the hearing or Prehearing Conference will be held; and
    - 3) a statement of the legal authority and jurisdiction under which the hearing is to be held; and
    - 4) all parties, and all other persons to whom the agency gives notice of the hearing, unless otherwise confidential by law. (Section 10-25 of the IAPA) and
    - 5) a statement setting forth the requirement of an Answer pursuant to subsection (d) of this Section. (Section 10-95 of the IAPA)
  - d) Unless the case is brought pursuant to Title XVIII or XIX of the Social Security Act, the NMCA or the WIC Vendor Management Act, a written Answer to the Allegations of Noncompliance shall be filed by the Respondent. The Answer must be served on all parties within 20 days after receipt of the notice alleging noncompliance. If a Respondent fails to file an Answer, each alleged violation of a statute or Department rule by the Respondent shall be deemed to have been admitted. If the Respondent has insufficient knowledge of the facts to form a belief as to the truth of the allegation, the Respondent may so state with an affidavit of insufficient knowledge. If the Respondent wishes to raise defenses which are affirmative in nature or would be likely to make the Department by surprise, the Respondent must do so in the Answer. If Affirmative Defenses are filed within an Answer, the Department shall reply to such Affirmative Defenses within 20 days after receipt of the Answer.
  - e) Amendments to the Allegations of Noncompliance and Answers may be allowed upon proper motion at any time during the pendency of the proceedings on such terms as shall be just and reasonable.
  - f) All written documents provided for under this Section shall be

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- liberally construed with a view toward doing substantial justice between the parties.
- g) Venue shall be the location designated in the Notice of Administrative Hearing. Venue may be moved to another location only upon stipulation by all parties or upon a showing to and a finding by the administrative law judge that exceptional circumstances, including but not limited to age, infirmity or inability to travel exist which make it desirable, in the interest of justice, to allow a change of venue. (Source: Amended at 21 Ill. Reg. 3208, effective 1/1/87)
- Section 100-8 Motions
- a) Motions, unless made during a hearing, shall be made in writing and shall set forth the relief sought and the legal authority for a motion. Except as otherwise provided in this Part or by a specific statute, motions may seek any relief or order recognized in the Illinois Code of Civil Procedure and Rules of the Illinois Supreme Court, and shall include a reference to the applicable Section of such Code or Rules. Motions based on a matter which does not appear of record shall be supported by affidavit.
  - b) Written motions shall be titled as to the party making the motion and the nature of the relief sought. Such title shall be in capital letters and shall be placed either below the caption or to the right of the caption beneath the docket number. No motion shall be identically titled with any other motion. Examples of properly-titled motions are: Respondent's Motion to Dismiss, Respondent's Second Motion to Dismiss.
  - c) Motions to the pleadings if not raised at the earliest opportunity shall be deemed waived. Motions to the pleadings shall not be granted if the pleadings are in conformity with Section 100-7.
  - d) The administrative law judge shall not have the authority to dismiss, postpone, vacate, or overturn an Order or Notice issued by the Director, but may make a recommendation to the Director any time that circumstances merit such a recommendation.
  - e) Motions for a continuance shall be granted only for good cause shown. Motions for a continuance shall be in writing and filed at least five (5) working days prior to the hearing. Motions for a continuance shall be made immediately when the party learns that a continuance is needed and statements as to when the party learned that a continuance was needed, steps that were taken to avoid the continuance, and the current reasons the continuance is needed shall be contained in the motion. After one continuance has been granted to a party additional continuances may be granted to that party only if:
    - 1) a hearing on the issue of whether or not to grant the continuance has been held and the administrative law judge finds that the moving party has presented sufficient evidence showing

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- entitlement to another continuance, or
- 2) there is an emergency, or
  - 3) all parties so stipulate.
- f) Whenever possible, as much of the hearing as possible shall be completed and only those matters that must be continued shall be continued.
- g) If there is an unforeseen emergency, motions for a continuance may be made by telephone rather than in writing. Motions by telephone shall be made through a conference call involving the administrative law judge and all parties and shall be confirmed within 3 business days by the filing of a written motion.
- h) Responses shall be in writing unless made at a prehearing conference or a hearing.
- i) On motion made by any party, the administrative law judge who is the subject of such motion shall determine whether he or she should be disqualified on the basis of bias or conflict of interest, and shall remove himself or herself if a determination is made that bias or a conflict of interest exists. If the motion is granted, the Director shall appoint a new administrative law judge. An assigned, hearing, in and of itself, shall not constitute bias or conflict of interest.
- (Section 10-30 of the IAPA, which was amended by Public Act 92-001, effective January 1, 1971, shall not apply to this amendment.)
- 1) Demands for a Bill of Particulars shall not be allowed.

(Source: Amended at 21 Ill. Reg. 3208, effective \_\_\_\_\_)

Section 100.10 Service

- a) Notices under Section 100.7(a) shall be served either personally or by certified mail upon all parties (including complainants under the NRCRA, where applicable) or their agents appointed to receive service of process unless the applicable licensing statute requires a different form of service, in which case service shall conform to the statute.
- b) Service to the last official address of a party or agent provided to the Department by a party shall be considered in compliance with this Section. Notices sent by certified mail which have been returned to the Department as unclaimed or refused by the addressee shall be considered served. For purposes of this Section, the "last official address" shall be: For addressees listed on the most recent application submitted to the Department, unless the Department has been subsequently notified in writing of a change of address. For certified nursing assistants and habilitation aides, the "most recent application" shall be the information submitted by the training program or testing entity which qualified the individual to be entered on the registry.
- c) Service of pleadings or motions under this Section, unless otherwise provided for in this Section, shall be made by delivering in person or

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by depositing in the United States Mail, properly addressed with postage prepaid, one copy to each party to the proceedings. When any party or parties have appeared by attorney, service upon the attorney shall be deemed service upon such party or parties. All pleading or motions under this Section shall also be served upon the administrative law judge.

- d) Proof of service under subsection (b) of this Section shall be by certificate of attorney, affidavit or acknowledgment.

(Source: Amended at 21 Ill. Reg. 3208, effective \_\_\_\_\_)

Section 100.12 Discovery Hearings

- a) Prior to or at the prehearing conference, the Department shall provide all parties with a copy of all the Department's inspection or investigative reports relating to the Allegations of Noncompliance. If no prehearing conference is held, the Department shall provide copies of the investigative reports prior to the hearing. Each party shall provide all prior written testimony of any defendant which it intends to offer into evidence. This subsection shall not require any party to submit advance copies of those documents already provided by the Department under subsection (a) above.
- b) At least 21 days prior to the commencement of the hearing, each party shall provide all other parties with a list containing Upon written request served on the opposing party, any party shall be entitled to the name and address of any witness who may be called to testify, and
- c) A description of any other evidence which may be offered: Within fifteen (15) working days prior to the commencement of a hearing, each party shall file all exhibits which it intends to offer into evidence at the hearing. Unless objected to in writing within ten (10) days after such filing, no objection to the admissibility of such exhibits shall be entertained.
- d) Absent a showing of cause, no document shall be offered as an exhibit in a hearing which was not disclosed in accordance with this Section or pursuant to an order of the administrative law judge, and no witness shall testify whose name was not included on a witness list if one was requested.
- e) All parties shall be entitled to any exculpatory evidence in the Department's possession which tends to support Respondent's position or which might impeach the credibility of a Department witness.
- f) Upon a written request by the Department served on any party, at any time after a notice or hearing request is filed, or at any stage of the hearing, the Respondent shall be required to produce within 7 days documents, books, records, or other evidence which relate directly to conduct of the business entity or other which is the subject of the

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## administrative hearing.

§19† All parties shall be under a continuing obligation to promptly update requested discovery until the hearing is concluded without the necessity for further or additional requests.

g) There shall be no depositions for discovery purposes or interrogatories allowed in any proceedings brought pursuant to this Part, except as agreed to by the parties.

h) Requests to Admit Facts and Genuine Issues of Documents shall be allowed in accordance with Supreme Court Rule 21c.

i)† Nothing contained herein shall preclude the parties from agreeing to the voluntary exchange of more information than is required.

(Source: Former Section 100.12 renumbered to Section 100.13; new Section 100.13, renumbered from Section 100.14 and amended at 21 Ill. Reg. 1020, effective 1-1-83)

## Section 100.13 Hearings Subpoenas

- a) All hearings conducted in any proceedings shall be open to the public.
- b) Hearings will be conducted by the Director or by an administrative law judge appointed by the Director. If the Director conducts the hearing, the Director shall refer to the hearing as a "hearing" and the administrative law judge shall refer to the hearing as a "hearing".
- c) The administrative law judge shall have the authority to:
  - 1) issue subpoenas; hold informal hearings; conduct the settlement, simplification, or definition of issues; and the disposition of procedural requests, motions, and similar matters; continue the hearing from time to time when necessary; examine witnesses; and rule upon the admissibility of evidence.
- d) The administrative law judge shall direct all parties to enter their appearances on the record.
- e) Written opening arguments and written closing arguments shall not be permitted unless all parties so stipulate.
- f) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding. Unless precluded by law, disposition may be made of any contested case by stipulation, agreed settlement, consent order, default, or by motion.
- g) At any stage of the hearing or after all parties have completed the presentation of their evidence, the administrative law judge may call for further testimony, subject to cross-examination by the parties.
- h) The rules of evidence and privilege as applied in civil cases in the circuit courts of this State shall be followed. However, evidence not admissible under such rules of evidence may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Irrelevant, immaterial, or unduly repetitious material shall be excluded. A copy of the whole or any part of an admissible book,

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record, paper, or memorandum of the Department which is made by photostatic or other method of accurate and permanent reproduction may be admitted in evidence at the hearing without further proof of the accuracy of such copy. Objections to evidentiary offers may be made and shall be noted in the record. (Section 100-40 of the IAPA)

i) Official notice may be taken of matters of which circuit courts of this State may take judicial notice. In addition, official notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Department's experience, technical competence and specialized knowledge may be utilized in the evaluation of evidence. (Section 100-40 of the IAPA)

ii) A party may offer into evidence any of the following documents without foundation or other proof, provided that a copy of the document has been timely provided to all other parties in accordance with Section 100.12(b):

- 1) records and reports of health care facilities, doctors, nurses, physical therapists, or other health care providers; however, such records and reports shall not include affidavits or other documents specifically prepared for litigation.
- 2) investigation reports from government law enforcement agencies.
- k) For good cause shown, including but not limited to age, infirmity, or inability to travel, evidentiary depositions shall be allowed.
- l) Absent a showing of good cause, no document shall be offered into evidence which was not disclosed in accordance with the requirements in Section 100.12(b), and no witness shall testify whose name was not provided pursuant to Section 100.12(c).
- m) Subsection 100.12(b) of these rules shall not apply to a document, the no fault of its owner did not have knowledge of a document to be offered into evidence or the name of a witness within the timeframe necessary for compliance with Section 100.12(b) and (c).
- n)† The Department will arrange for a certified stenographic reporter (court reporter) to make a stenographic record of the hearing in all administrative hearings under these rules. Any person may make arrangements to obtain a copy of the stenographic record from the reporter. The Department reserves the right to employ a certified stenographic reporter. A copy of any stenographic record made by a Department employee may be purchased from the Department at a cost of one dollar per page. There shall be no audio or video taping, apart from any made by the certified stenographic reporter employed for those purposes by the Department without the express consent of the administrative law judge and all parties to the hearing.

n)† Corrections to the transcript of the record may be made by the Director or administrative law judge.

o)† If a party, or any person at the instance of or in collusion with a

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party, violates any ruling of the administrative law judge, the administrative law judge, on motion, may enter such orders as are just, including, among others, the following:

- 1) that further proceedings be stayed until the order or rule is complied with;
  - 2) that the offending party be barred from filing any other pleadings relating to any issue to which the refusal or failure relates;
  - 3) that he or she be barred from maintaining any particular claim or defense relating to that issue;
  - 4) that a witness be barred from testifying concerning that issue;
  - 5) that, as to a witness so barred, any pleading to which that issue is material entered on default be dismissed against the offending party or that his or her pleading be dismissed without prejudice; or
  - 6) that any portion of his or her pleadings relating to that issue be stricken and, if thereby made appropriate, judgment be entered as to the issue.
- m) The inspection or investigation case file of the Department shall be admitted. The preparer of the inspection or investigation case file may be subject to cross-examination upon notice to appear at the hearing.
- n) In any hearing conducted pursuant to this Section, the administrative law judge shall receive a photograph as competent evidence of the item depicted in the photograph. It is not a prerequisite to application of this Section that the money or property photographed be unobtainable.
- o) At any time, the administrative law judge may order the removal of any person from the hearing room who is creating a disturbance whether by physical actions, profanity or otherwise engaging in conduct which disrupts the hearing.
- p) At the request of any party, the administrative law judge may exclude all witnesses from the hearing room, except that each party or a representative of a party, in addition to legal counsel, shall be allowed to remain.

(Source: Former Section 100.13 renumbered to Section 100.14; new Section 100.13 renumbered from Section 100.12 and amended at 21 Ill. Reg. 3208, effective 11/1/83.)

Section 100.14 Subpoenas Scope-of-Discovery

- a) Subpoenas requiring the attendance and the giving of testimony by witnesses, and subpoenas duces tecum requiring the production of books, papers, records or memoranda, may be issued by the Director or the administrative law judge upon his or her own motion or upon the written request of any party upon a showing of the relevancy of the request to the issues in the hearing. For good cause shown, the

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Director or the administrative law judge may deny or modify the request for subpoenas.

b) Subpoenas issued by the Director or the administrative law judge upon the request of a party to the proceeding shall be delivered to the requesting party who shall be responsible for serving the subpoenas. Subpoenas shall be served personally or by certified mail at least seven days before the date on which appearance is required.

c) The witness fee for attendance and travel shall be the same as the fee of witnesses before the circuit courts of this State. When a witness is subpoenaed by the Director, or by the administrative law judge upon his or her own motion or upon the request of the Department, the witness fee shall be paid in the same manner as other expenses of the agency.

d) The appearance at the hearing of a party or a person who at the time of the hearing is an officer, director, or employee of a party may be required by serving the party with a notice designating the person who is required to appear at least 7 days before the date on which appearance is required. The notice also may require the production at hearing of documents, exhibits, or other things.

e) Subpoenas shall be enforced in the same manner as subpoenas issued by the circuit courts of this State.

(Source: Former Section 100.14 renumbered to Section 100.12; new Section 100.14 renumbered from Section 100.13 and amended at 21 Ill. Reg. 3208, effective 11/1/83.)

Section 100.17 Final Orders

- a) A written Final Order shall be issued in every contested case. A final order shall include findings of fact and conclusions of law, separately stated. All final orders shall specify whether they are final and subject to the Illinois Administrative Review Law (410 ILCS 5/1-10) and subject to the Illinois Administrative Review Law (410 ILCS 5/1-10) and applicable licensing statute. (Section 10-50 of the IAPA)
- b) A final order shall be served on parties or their agents appointed to receive service of process either personally or by registered or certified mail. (Section 10-50 of the IAPA)

(Source: Amended at 21 Ill. Reg. 3208, effective 11/1/83.)

Section 100.19 Miscellaneous

- a) Ex parte consultation. Except in the disposition of matters that the Department is authorized by law to entertain or dispose of on an ex parte basis, the administrative law judge or Director shall not, after notice of hearing, communicate directly or indirectly, in connection with any other issue of fact, with any person or party, his or her

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representative, or any person interested in the outcome of the proceeding, except upon notice and opportunity for parties to participate. However, a department member may communicate with other members of the Department or the administrative law judge may have the aid and advice of one or more personal assistants.

- 1) An ex parte communication, received by the Director, any Department employee, or the administrative law judge shall be made a part of the record of the pending matter, including all written communications and responses to such communications, oral communications, and a memorandum stating the substance of all communications and the identity of each person from whom the ex parte communication was received.
- 2) Communications regarding matters of procedure and practice, such as the format of pleadings, number of copies required, manner of service, and status of proceedings, are not considered ex parte communications under this Section. (Section 10-60 of the IAPA)
- b) Computation of Time. The time within which any act under this Section is to be done shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or a holiday as defined or fixed by statute in force in this State, and then it shall also be excluded. If the day succeeding the last day is a Saturday, Sunday or a holiday as defined or fixed by statute in force in this State, that day shall also be excluded.
- c) Construction of Rules. In case of any conflict between this Part and the IAPA or a specific licensing statute, the terms of the latter shall control.
- d) If the hearing is being conducted pursuant to federal law and there is a conflict between this Part and federal procedural or evidentiary requirements, then the federal requirements shall control.
- e) Waiver. Compliance with any or all provisions concerning contested cases may be waived by written stipulation of all parties. (Section 10-70 of the IAPA)

(Source: Amended at 21 Ill. Reg. 3208, effective 1/1/83)

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- 1) Heading of the Part: Jockeys, Apprentices, Jockey Agents, and Valets
- 2) Code Citation: 11 Ill. Adm. Code 1411
- 3) Section Number: Adopted Action:  
1411.160 Amendments
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rule: March 4, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: February 28, 1997
- 9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 14987 - 11/22/96
- 10) Has JCRC issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: The phrase "as described at 11 Ill. Adm. Code 1416.5," was added after "riding" in the first sentence. The sentence "The criteria for determining fines and/or suspensions shall include, but not be limited to, what action was taken by the violator to avoid the violation, whether the violator has ever been found guilty of a rough or careless riding violation in this or any other racing jurisdiction, and the purse of the race." was added to the end of the Section.
- 12) Have all the changes agreed upon by the agency and JCRC been made as indicated in the letter issued by JCRC? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This amendment reduces the minimum suspension for careless or rough riding from 5 or 10 days to 3 days. This amendment also allows for fines to be levied against violators of this rule.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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Gina DiCaro  
Illinois Racing Board  
Legal Department  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601  
(312) 814-5070

The full text of the adopted amendments begins on the next page:

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER 1: ILLINOIS RACING BOARD  
SUBCHAPTER 3: RULES AND REGULATIONS OF HORSE RACING  
(THOROUGHbred)

## PART 1411

## JOCKEYS, APPRENTICES, JOCKEY AGENTS, AND VALETS

Section	
1411.05	Colors Worn by Riders
1411.10	Jockey Fees (Repealed)
1411.20	Paying Fines
1411.30	Jockey Ownership of Horse
1411.40	Under Suspension
1411.50	Betting By Jockey
1411.60	Record of Jockey Betting
1411.65	Interrogation by Stewards
1411.70	Racing Against Employer's Starter
1411.72	Spouses Riding Against Each Other (Repealed)
1411.75	Owner or Trainer As Spouse
1411.78	Racing Against Agent's Horse
1411.80	Priority of Retainers
1411.90	Conflicting Claims on Jockeys
1411.100	Whips, Length and Kind
1411.110	Illegal Whipping
1411.120	Leaving Operating Track
1411.130	Jockey Rules Apply to Apprentices
1411.140	Apprentice Rule
1411.150	Change of Agent
1411.160	Rough or Careless Riding
1411.170	Yearly Examination
1411.180	Examination Because of Illness
1411.190	Jockey's Valet
1411.195	Valet's Fees (Repealed)
1411.200	Record of Jockey Engagements by Agent
1411.210	Falsifying Engagement Records
1411.220	Agent Barred from Paddock and Track
1411.230	Engagements Made Through Agent
1411.240	Safety Equipment
1411.250	Designated Races

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); codified at 5 Ill. Reg. 10977; amended at 7 Ill. Reg. 1423, effective January 24, 1983; amended at 17 Ill. Reg. 12426, effective July



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15, 1993; amended at 17 Ill. Reg. 21852, effective December 3, 1993; amended at 18 Ill. Reg. 2097, effective January 21, 1994; amended at 19 Ill. Reg. 12687, effective September 1, 1995; amended at 21 Ill. Reg. 3226, effective FEB 2 1996.

## Section 1411.160 Rough or Careless Riding

At the discretion of the stewards, a jockey guilty of rough or careless riding as described at 11 Ill. Adm. Code 1416.5, shall be subject to a suspension of not less than 3 days and/or a fine. The criteria for determining fines and/or suspensions shall include, but not be limited to, what action was taken by the violator to avoid the violation, whether the violator has been found guilty of a rough or careless riding violation in this or any other racing jurisdiction, and the purse of the race. No less than 10-day minimum suspension will be imposed by the stewards on any jockey or apprentice found guilty of rough riding and no less than five-day minimum suspension will be imposed by the stewards on any jockey or apprentice guilty of careless riding.

(Source: Amended at 21 Ill. Reg. 3226, effective FEB 2 1996.)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Medication

2) Code Citation: 11 Ill. Adm. Code 509

3) 

Section Number:	Adopted Action:
509.10	Repealed
509.20	Repealed
509.30	Repealed
509.40	Repealed
509.50	Repealed
509.60	Repealed
509.70	Repealed
509.75	Repealed
509.80	Repealed
509.90	Repealed
509.95	Repealed
509.100	Repealed
509.110	Repealed
509.120	Repealed
509.140	Repealed
509.150	Repealed
509.160	Repealed
509.170	Repealed
509.180	Repealed
509.190	Repealed
509.200	Repealed
509.210	Repealed
509.230	Repealed
509.270	Repealed
509.280	Repealed
509.290	Repealed
509.300	Repealed

4) Statutory Authority: 230 ILCS 5/9(b)

5) Effective Date of Rule: March 4, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No.

8) Date filed in Agency's Principal Office: February 28, 1997

9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 15176 - 12/2/96

10) Has JCAR issued a Statement of Objections to this rule? No.

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED REPEALER

- 11) Differences between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? N/A.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? No.
- 15) Summary and purpose of rules: This repeal is done in conjunction with the proposed rulemaking of Part 603. The rules in Part 603 reorganize the rules contained in Part 509.
- 16) Information and questions regarding these adopted amendments shall be directed to:  
Gina DiCaro  
Illinois Racing Board  
Legal Department  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601  
(312) 814-5070

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Number: Adopted Action:  
603.10 New Section  
603.20 New Section  
603.30 New Section  
603.40 New Section  
603.50 New Section  
603.60 New Section  
603.70 New Section  
603.80 New Section  
603.90 New Section  
603.100 New Section  
603.110 New Section  
603.120 New Section  
603.130 New Section  
603.140 New Section  
603.150 New Section  
603.160 New Section  
603.170 New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rule: March 4, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: February 28, 1997
- 9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 15161 - 12/2/96
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: In Section 603.60(a)(3) "micrograms per milliliter" was changed to "mcg/ml" in the second sentence. In Section 603.60(a)(3)(A) "horse or dog" was added after "mg" and "initial" was added after "mg". In Section 603.60(a)(3)(C) "mg" was changed to "mcg" and "mg" was added after "mg". In Section 603.60(a)(3)(D) "mg" was changed to "mcg" and "mg" was added after "mg". In Section 603.60(c)(1) "antibiotics" was changed to "Anti-Bacterials". In Section 603.70(h)(1) "the State or association" was changed to "an official". In Section 603.70(i)(2) "not less than 150 mg and not more than" was added before "250 mg". In Section 603.70(k)(2) added "two" after "first"; changed "time" to "times"; added "for" before

## ILLINOIS RACING BOARD

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"subsequent [lower cased 's']"; replaced "at this level shall result in a \$200 fine" with "[comma] the trainer shall be fined no more than \$200." The first notice text in Section 603.70(k)(3) was replaced by the current text. In Section 603.70(k)(4), not less than \$200 was changed to \$250. Sections 603.80 and 603.90 "within any race track enclosure" was changed to "on the grounds of an organization licensee".

- 12) Have all the changes agreed upon by the agency and ICAR been made as indicated in the letter issued by ICAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking reorganizes the Board's medication rules. There were six additions to the permitted list contained in Section 603.60 [Doxycycline, Amikacin, Metronidazole, Levamisole (tetranisole), Sulfadimethoxine and Sulfamethoxazole. The procedures for administration of furosemide were changed to include a time period for administration and a dosage range of furosemide to be administered. These rules replace the Board's current Part 509. The repealer for Part 509 appears in this Register edition.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro  
Illinois Racing Board  
Legal Department  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601  
(312) 814-5070

The full text of the adopted amendments begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE 1: HORSES RACING  
CHAPTER 1: ILLINOIS RACING BOARD  
SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603  
MEDICATION

Section	
603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses and Retention of Samples
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 323 f, effective \_\_\_\_\_, \_\_\_\_\_.

## Section 603.10 Pre-Race Saliva Tests

- a) The stewards may require that any horse entered to race submit to a pre-race saliva test.
- b) If the pre-race saliva test is positive for a foreign substance, other than those substances authorized for use by Section 603.60 or 603.70, the subject horse shall be scratched and the trainer shall be fined \$100.
- c) A trainer who receives a second positive on a pre-race saliva test shall be suspended for 30 days.
- d) A trainer who receives a third positive on a pre-race saliva test shall be suspended for 180 days.
- e) A trainer who has received three positive reports on pre-race saliva tests shall be suspended for one year for each additional positive

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thereafter.

## Section 603.20 Racing Soundness Exam

Every horse entered to race shall be subjected to a racing soundness exam on race day conducted by an official veterinarian. The State veterinarian shall keep of cause to be kept a continuing health and racing soundness record of each horse examined.

## Section 603.30 Foreign Substances and Pharmaceutical Aids Banned

- a) Except as provided in Sections 603.60 and 603.70, no horse participating in a race, or entered to participate in a race and not scratched by the day of the race, shall carry in its body any foreign substance.
- b) No horse participating in a race shall carry in its body any pharmaceutical aids. Although pharmaceutical aids do not contain any pharmacodynamic and/or chemotherapeutic agents, these foreign substances interfere with testing and may mask the presence of other foreign substances.
  - 1) If the laboratory finds a pharmaceutical aid in a post-race test sample of any horse of trainer, the stewards shall impose a penalty not to exceed \$1000.
  - 2) If the presence of the pharmaceutical aid occurred due to the negligence of the veterinarian attending the horse, the veterinarian shall be penalized in addition to, or instead of, the trainer.
- c) Any person who knowingly enters a horse in a race that carries in its body during the race any foreign substance, other than those substances listed in Sections 603.60 and 603.70 shall have his/her license suspended or revoked, and may also be subjected to a civil penalty.

## Section 603.40 Twenty-four Hour Ban

Except as provided in Section 603.70, no foreign substance shall be administered to a horse entered to race by hypodermic injection, oral administration, topical administration which can penetrate the skin, rectal infusion, suppository, or inhalation within 24 hours prior to the scheduled post time for the first race.

## Section 603.50 Trainer Responsibility

- a) Every trainer has the duty to guard or cause to be guarded each horse trained by him/her in such a manner as to prevent any person, including his/her veterinarian, from administering to such horse any foreign substance in violation of this Part.
- b) Every trainer has the duty to be familiar with the medication rules of

## ILLINOIS RACING BOARD

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the Board, and reasonably familiar with the foreign substances he/she administers or directs his/her employees to administer, and which are administered by such trainer's veterinarian.

- c) Every trainer has the duty to have each horse trained by him in its assigned security stall in accordance with 11 Ill. Adm. Code 220.
- d) A determination by the laboratory of the presence of a foreign substance in a pre-race or post-race sample shall constitute prima facie evidence that the trainer has violated Section 603.30(c) or has failed in the duties specified in this Section.

## Section 603.60 Permitted Use of Foreign Substances and Threshold Levels

- a) Non-Steroidal Anti-Inflammatories (NSAID): Threshold Levels
  - 1) Only one non-steroidal anti-inflammatory drug (NSAID) may be present in a horse's body while it is participating in a race. The presence of more than one NSAID at any test level is sufficient to disqualify the horse.
  - 2) Subject to the prohibition contained in Section 603.40 (24 hour ban), the only foreign substance which meets the criteria established in Section 603.80 is phenylbutazone. One of the metabolites of phenylbutazone is oxyphenylbutazone.
  - 3) The test level of phenylbutazone shall not be in excess of 2.0 mcg/ml of serum or plasma. The test level for oxyphenylbutazone shall not be in excess of 2.0 mcg/ml of plasma.
    - A) The first two times the laboratory reports that an amount of phenylbutazone or oxyphenylbutazone with respect to any horse or horses of a trainer is greater than 2.0 mcg/ml but less than or equal to 5.0 mcg/ml of serum or plasma, the trainer shall receive a written warning. An additional warning will be given to a trainer for every 150 horses that he has started in the present calendar year. After the trainer has received all requisite warnings, all subsequent violations in the concentration range of 2.0 mcg/ml to 5.0 mcg/ml shall be subject to a fine not to exceed \$500.
    - B) In the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than 5.0 mcg/ml but less than or equal to 8.0 mcg/ml of serum or plasma, the trainer shall be subject to a fine not to exceed \$500.
    - C) In the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than 8.0 mcg/ml but less than or equal to 15.0 mcg/ml of serum or plasma, the trainer shall be subject to a fine not to exceed \$1000, and/or a suspension not to exceed 15 days (see subsection (a)(3)(F) below).
    - D) In the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than 15.0 mcg/ml of serum or plasma, the trainer shall be subject

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to a fine not to exceed \$1000 and/or a suspension not to exceed 60 days and the purse shall be redistributed (see subsection (a)(3)(F) below).

- E) If the phenylbutazone or phenylbutazone overage is due to the negligence of the veterinarian attending the horse, the veterinarian shall be subject to the same penalties as are set forth in subsections (a)(3)(A)-(D).
- F) Penalties for violations of this Section shall be based on the following criteria:

- i) previous warnings and rulings for violations of this Section;
- ii) the age and experience of the violator;
- iii) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
- iv) what action, if any, was taken to avoid the violation;
- v) the purse of the race.

- 4) To help horsemen determine the test levels of phenylbutazone and oxyphenylbutazone, the Board laboratory will test, without charge, all equine serum or plasma samples submitted to it which are accompanied by an affidavit indicating time, method, and route of administration of phenylbutazone.

- b) The following foreign substances may be administered externally to a horse entered to a race: Leg paints and liniment which do not contain any "caine" derivatives, pharmacodynamic and/or chemotherapeutic agents, and which can be applied topically without penetrating the skin.

- c) Subject to the prohibition contained in Section 603.40 (24-hour ban), the following foreign substances, commonly referred to as anti-bacterial or anti-fungal drugs, may be present in the body of a horse participating in a race.

- 1) Anti-bacterials
  - Amikacillin
  - Ampicillin
  - Ampicillin sodium
  - Azolaulfamide
  - Chloramphenicol
  - Doxycycline
  - Erythromycin sulfate
  - Gentamicin sulfate
  - Kanamycin sulfate
  - Methenamine
  - Levamisole (tetramisole)
  - Metronidazole
  - Neomycin sulfate
  - Nitrofurantoin
  - Oxytetracycline
  - Penicillin G. Benzathine

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- Penicillin G. Potassium  
Sulfadimethoxine  
Sulfamethoxazole  
Sulfamethoxazole  
Sulfapyridine  
Sulfathiazole  
Tetracycline  
Trimethoprim
- 2) Anti-fungals
    - Amphotericin B
    - Citraconazole
    - Clotrimazole
    - Neomycin Undecylenate
    - Nystatin

- d) This listing of anti-bacterial and anti-fungal drugs is all inclusive and shall not include any other anti-bacterial or anti-fungal drug.
- e) A foreign substance of accepted therapeutic value may be administered as prescribed by a veterinarian when threshold levels and guidelines for its use have been approved by the Board and this Part has been duly amended. The Board shall give due consideration to threshold levels and guidelines that have been established by the Quality Assurance Program Committee of the Association of Racing Commissioners International when making additions to the permitted list.

## Section 603.70 Furosemide

- a) The Board recognizes that there are horses that exhibit symptoms of epistaxis or respiratory tract hemorrhage which, with proper treatment, are sound and able to compete in races. A horse, which during the race or following the race, or during exercise or following such exercise, is found to be shedding blood from one or both nostrils, or is found to have bled internally, is eligible to be placed on the bleeder list and treated on race day to prevent bleeding during its race. In order to obtain authorization for race day treatment of the bleeder, the horse trainer or veterinarian must obtain a certificate of examination from one of the State veterinarians or other documentation, as prescribed in this Section, and have the horse placed on the official bleeder list. One of the State veterinarians must, by examination or in consultation with the practicing veterinarian, establish that the horse did in fact shed blood from one or both nostrils or that an endoscopic examination of the horse showed observable amounts of free blood in the respiratory tract. When confirmed by one of the State veterinarians, the horse's registration tags shall be placed on the bleeder list, which shall be initiated by one of the State veterinarians. Upon the list, a horse shall be removed from the bleeder list only upon the direction of one of the State veterinarians who must certify in writing to the Board his recommendation for removal of the horse from

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- the list.
- b) A horse is placed on the bleeder list, that horse must be assigned to stall in facility designated by the Board as a security area at time to be determined by the Board prior to the scheduled post time for any race in which it is entered. The security stall shall be assigned by the Racing Secretary. Once placed in the security stall, a horse must remain there until it is taken to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the security stall to engage in exercise blow-outs or warm-up heats.
  - c) Horses on the official bleeder list must be treated with furosemide (Lasix) in the manner specified by subsection (i) of this Section.
  - d) If directed by a Board representative, immediately prior to treatment and as a condition for approval, the horse trainer must direct the practicing veterinarian to, in the presence of a uniformed security guard, take a blood sample from the horse in the presence of a Board representative, which may be delivered to the Board's testing laboratory for analysis.
  - e) Any horse on the bleeder list which is not stabled on the actual grounds of the racing facility where it is to race, and which is stabled off the grounds at an auxiliary stabling area or at some other approved location, must be brought on to the grounds of the racing facility where it is scheduled to compete at least 6 hours prior to the post time for the race for which it is entered, unless one of the State veterinarians authorizes a later arrival. Such a horse arriving at the racing facility will be placed in a security stall assigned by the Racing Secretary.
  - f) Every horse entered to race shall be placed in a security area as designated by the Board. The Board, in designating a security area, shall not require that a horse be placed in a barn or stall other than the barn stall assigned to that horse by the Racing Secretary. The barn stall shall be placed for the security of the horse and the trainer of the horse shall be responsible for the security of the horse when the horse is in the stall area. The security area shall be under the supervision of the Illinois Racing Board. No unauthorized person shall approach the security area. If any unauthorized person does approach the security area, a report of the incident is to be made immediately to one of the State veterinarians, the stewards or a Board investigator.
  - g) The provisions of this Section and the treatment authorized herein shall apply to and be available only for horses entered in and competing in race meetings as defined in Section 3.07 of the Act (230 ICS 5/3.07).
  - h) Procedure
    - 1) If an official veterinarian determines that a horse is a bleeder, he shall issue a certificate of examination and enter the horse's name and tattoo number on the bleeder list. The trainer shall affix the certificate of examination to the horse's foal papers or eligibility papers. A trainer who plans to race a bleeder

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- shall indicate on the entry form that the horse races with furosemide.
- 2) The State veterinarian or his designee shall authorize a horse which has bled in another state to race on furosemide upon presentation by the trainer of:
    - A) written certification from a state or association veterinarian in another state that a properly identified horse has bled in that state; or
    - B) publication in the official charts in that state, following a race at a race track in that state, that the named horse bled in subsection (h)(2)(A) above; is not available at the time the named horse is entered to race;
      - A) the stewards may allow the horse to race as a bleeder in that one race in which it is entered only.
      - B) within ten days after the race, the trainer of the horse shall produce for the stewards or their designee written certification from a state that the horse has bled in that state or a statement in an official chart that the named horse bled following a race in that state.
    - C) any purse earned by the horse in the race shall be held during the ten day period.
    - D) If the trainer fails to produce the certification described in subsection (h)(3)(B) above, the stewards shall impose a fine and/or suspend the trainer's license and shall redistribute the amount of any purse earned by the horse.
  - 4) If a horse has been denominated a bleeder, it shall remain on the bleeder list and be administered furosemide prior to its races regardless of change of owner or trainer. Once on the bleeder list a horse shall be removed from the list only upon the direction of the State veterinarian who shall certify in writing to the Board his recommendation for removal of the horse from the list.
  - i) Administration
    - 1) If a horse has been placed on the bleeder list, it shall receive a furosemide administration not earlier than 3 hours and 45 minutes and not later than 4 hours and 15 minutes prior to post time of the race in which it is entered. The Board may require that horses be brought to a designated facility for furosemide administration.
    - 2) A licensed veterinarian shall administer not less than 150 mg and not more than 250 mg of furosemide intravenously to the bleeder and shall immediately note on Board-prescribed forms the time of administration and submit such forms to the stewards no later than 3 1/2 hours prior to the horse's scheduled post time.
    - 3) The trainer, or his licensed employee, shall witness the administration. Following the administration of furosemide, the trainer of record or his designee shall remain with the horse and provide constant surveillance in accordance with 11 Ill. Adm.



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## Code 220.

- 3) **Bleeders**
- 1) The bleeder list for the race meeting shall be posted in the Racing Secretary's office and in the State veterinarian's office at each race meeting.
  - 2) The first time a horse bleeds, it shall be ineligible to race for 19 days irrespective of the date of entry.
  - 3) A horse which bleeds for the second time in any 12-month period shall be barred from racing in Illinois for a minimum of 60 days.
  - 4) A horse which bleeds for the third time in any 12-month period shall be barred from racing in Illinois for a minimum of 120 days.
  - 5) After the expiration of any of the above-mentioned periods, no horse may again start until it has been approved by the State veterinarian.
  - 6) This section shall also apply to horses shipped in from other racing jurisdictions which have established different time periods.
- k) **Excessive Use of Furosemide**
- 1) The test level for furosemide shall not be in excess of 60 nanograms (ng) per milliliter (ml) of serum or plasma.
  - 2) The first two times the laboratory reports an amount of furosemide between 61 ng - 85 ng/ml, inclusive, the trainer shall receive a written warning. For each subsequent overage by the same trainer at this level, the trainer shall be fined no more than \$200.
  - 3) The first time the laboratory reports an amount of furosemide between 86 ng-99 ng/ml inclusive, the trainer shall receive a written warning. For each subsequent overage by the same trainer at this level, the trainer shall be fined no more than \$500 and suspended not more than 30 days.
  - 4) In the event a post-race sample contains an amount of furosemide greater than 99 ng/ml, the trainer shall be fined no more than \$1000 and suspended not less than 30 days and the purse shall be redistributed.

## Section 603.80 Needles, Syringes and Injectables

- a) No person, except a veterinarian, shall have in his possession, within any race track enclosure, any hypodermic syringe, needle or any other instrument capable of being used for the injection of any chemical substance into any horse, except as provided herein.
- b) Any person may possess, on the grounds of an organization licensee, any hypodermic syringe or needle for the purpose of administering to himself a chemical substance provided that a person has notified the State stewards in writing:
  - 1) of the possession of such device,
  - 2) of the size of such device, and

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- 3) of the chemical substance to be administered by such device.
- c) No person, except a veterinarian, shall have in his possession, on the grounds of an organization licensee, any substance prepared for the purpose of being injected into any animal or human, except as provided in this subsection (c). Any person may possess, on the grounds of an organization licensee, any chemical substance for use on his/her own person, provided that, if such chemical substance is a prescription drug, such person is in possession of documentary evidence that a valid prescription for such prescription drug has been issued to such person.

## Section 603.90 Drugs, Chemicals and Prescription Items

- a) No veterinarian or any other person shall have in his possession or administer to any horse within any race track enclosure any chemical substance which:
  - 1) has not been approved for use on equines by the Food and Drug Administration, pursuant to the Federal Food, Drug and Cosmetic Act, 21 U.S.C. Section 301, et seq., and implementing regulations;
  - 2) which is on any of the schedules of controlled substances as prepared by the Attorney General of the United States pursuant to 21 U.S.C. Section 811 and 812, without prior written approval from the State veterinarian.
- b) The State veterinarian shall not give such approval unless the person seeking such approval can produce evidence in recognized veterinary journals or by recognized equine experts that such chemical substance has a beneficial, therapeutic use in horses.
- c) No person except a veterinarian shall have in his possession within a race track enclosure any prescription drug, except as provided in this Section.
- d) A person may possess a prescription drug for animal use if:
  - 1) The person possesses, within the race track enclosure, documentary evidence that a prescription has been issued to him for such prescription drug;
  - 2) The prescription contains a specific dosage for the particular horse or horses to be treated by the prescription drug; and
  - 3) The horse or horses named in the prescription are in that person's care within the race track enclosure.

## Section 603.100 Detention Barn

Every organization licensee shall provide a detention barn where test samples shall be taken under the supervision of the State veterinarian. Such detention barn shall satisfy standards prescribed by the State veterinarian and shall be approved by the Board. In addition, every organization licensee shall furnish, during racing hours, a guard whose duty shall be to assist Board employees in the detention barn. Such guard shall remain on duty until the last specimens

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have been taken for that racing day.

## Section 603.110 Test Samples

- a) The winning horse in every race and any other horse or horses selected at the discretion of the stewards shall have taken from it test samples.
- b) Any person having the care, custody, and/or control of any horse who shall refuse to submit such horse for test samples shall have his license suspended for not less than 30 days and such horse shall be disqualified.
- c) Test samples shall be taken under the supervision of the State veterinarian by persons appointed by the Board. During the taking of such test samples, the owner or trainer or his/her representative or employee shall be present at all times.
- d) The test samples shall be sealed by the State veterinarian or those under his/her supervision and the evidence of such sealing shall be witnessed by the signature of the owner or trainer or his/her agent or employee.

## Section 603.120 Referee Samples

- a) For each horse tested, one portion of the test sample (hereinafter referred to as the "referee sample") shall be preserved by the laboratory. The referee sample shall be available for testing at the request of the owner, trainer or other person charged with a violation of these rules. The referee sample may also be tested by the Board laboratory with the consent of the owner of the horse from whom the sample was taken. If the Illinois Racing Board requests permission from the owner to test his or her referee sample and the owner refuses to grant the permission, the Board shall have occupation liability to the owner's grounds for allowing another person charged with a violation of these rules to test the referee sample to another laboratory for testing. The Board shall bear the cost of preparing the samples for shipment, but the cost of such shipment and of such testing at another laboratory shall be borne by the person requesting the additional tests.
- c) Whenever a referee sample is opened, a portion of that test sample shall be preserved by the Board laboratory in case further testing is requested.

## Section 603.130 Laboratory Findings and Reports

- a) If the laboratory determines that a foreign substance, or any metabolite thereof, is a constituent in a test sample, the laboratory shall report such determination to the Executive Director of the Board, the stewards and to the State veterinarian.

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- b) If the laboratory analysis of a test sample is concluded after the end of a meet in which the test sample was taken, the laboratory shall make its report or finding to the Executive Director of the Board. The Executive Director shall refer such report or finding to the stewards at another race meeting or directly to the Board. In making such referral, the Executive Director shall consider the location of the trainer, the availability of stewards, and the Board's schedule for hearings.

## Section 603.140 Distribution of Purses and Retention of Samples

- a) The Board recognizes that occasionally post-race specimens do not reach the laboratory within 72 hours nor can all samples be thoroughly analyzed within 72 hours. However, as a convenience to horsemen, all purse money shall be distributed no later than 72 hours after a race, unless the laboratory has issued a report to the stewards pursuant to these rules.
- b) The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no foreign substance has been administered in violation of these rules to the horse winning such purse money.
- c) Upon receipt of a positive laboratory report, the stewards or the Executive Director of the Board shall immediately direct that no purse money shall be awarded to the horse in question pending a final determination by the stewards or the Board of the accuracy of the laboratory's report. The stewards or the Executive Director of the Board shall notify the owner, trainer, and any other person having care or custody or control of the horse that no purse money has been distributed. The stewards or the Executive Director shall order that returned pending determination of the accuracy of the laboratory's report. The stewards or the Executive Director of the Board shall proceed to conduct an inquiry or the Board shall conduct an inquiry or hearing.
- d) If the report of a laboratory is not contested or if the stewards or the Board determine that the laboratory report is accurate, all purse money won by the horse in the race in question shall be forfeited and redistributed among the remaining horses according to their order of finish. No such forfeiture and redistribution shall affect the distribution of pari-mutuel pools.
- e) If no positive laboratory report has been issued to the stewards or the Board within 60 days after the date of a race, the owner of a horse shall become legally entitled to the money in the purse and it shall be conclusively presumed that the conditions precedent to such entitlement have been met. Provided, however, positive laboratory reports issued more than 60 days after the date of a race may be considered by the stewards or the Board as evidence of a rule violation under Sections 603.50, 603.60, or 603.70.
- f) If a positive laboratory report has been issued, whatever remains of

## ILLINOIS RACING BOARD

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that particular test sample shall be retained until all legal proceedings have been concluded.

- g) All samples shall be retained by the laboratory for the maximum period permitted by available storage facilities. No samples may be destroyed when storage facilities become unavailable except upon approval by a majority of the members of the Board.

## Section 603.150 Post Mortems

a) Every horse which suffers a breakdown on the race track in training or in competition and is destroyed, and every other horse which expires while stabled on the race track under the jurisdiction of the Board, shall undergo post-mortem examination at a time and place acceptable to the official veterinarian. The time and place shall be determined which resulted in euthanasia, natural death, or death except as provided herein.

- 1) In the case of breakdowns, an examination of the affected animal by a licensed veterinarian in the presence of, and in consultation with, the official veterinarian shall be sufficient; however, test samples shall be required.

2) A post-mortem shall not be required if in the opinion of the State veterinarian a post-mortem is impractical or not necessary; however, test samples shall be required.

- 3) Post-mortems shall not be required when death is due to fire.

b) The post-mortem examination required under this Section shall be conducted by a veterinarian employed by the owner or the horse's trainer in the presence of and in consultation with an official veterinarian.

c) Test samples must be obtained from the carcass upon which the post-mortem examination is conducted and shall be sent to the Illinois Racing Board laboratory for testing for foreign substances and natural substances at abnormal levels. When practical, blood and urine samples should be procured prior to the euthanasia.

d) The owner of the deceased horse shall make payment of reasonable charges due to the veterinarian employed to conduct the post-mortem examination. The services of the State veterinarian and the laboratory testing of post-mortem samples shall be made available by the Board without charge to the owner.

e) A record of every such post-mortem shall be filed with the State veterinarian, or with the Board if the race meeting has ended, by the owner's veterinarian within 72 hours of the death and shall be submitted on a form supplied by the Board.

f) Each owner and trainer accepts the responsibility for the post-mortem examination provided herein as a requisite for maintaining the occupational license issued by the Board.

## Section 603.160 Penalties

- a) Any person who administers or conspires to administer any foreign

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED RULES

substance to any horse in violation of this Part shall have his/her license suspended or revoked and may also be subjected to a civil penalty.

b) Penalties for violations of this Part shall be based on the following criteria:

- 1) the nature of the foreign substance; e.g., cough medicine, steroid, narcotic, stimulant, depressant, etc.;
- 2) the accessibility of the drug; e.g., can be purchased over the counter, only with a prescription, only with a license for controlled substances, cannot be purchased in this country;
- 3) the age and experience of the violator;
- 4) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
- 5) what action, if any, was taken by the violator to avoid such violation;
- 6) the purse of the race.

c) Any person who violates any provision of this Part for which no specific penalty is provided may be penalized by the stewards or the Board in accordance with the provisions for penalties contained elsewhere in this Chapter or in the Illinois Horse Racing Act of 1975. When imposing penalties, the stewards or the Board shall consider all relevant factors including, but not limited to those specified in this Part.

## Section 603.170 Veterinarian's Records

a) All veterinarians licensed by the Board shall maintain records which accurately reflect: all purchases of medication, name of each horse treated, date of the treatment, method of administration, and prescription of medication and name of the trainer. All veterinarians shall also retain duplicate copies of their bills or statements to trainers or owners.

b) These records shall be retained for at least three years and shall be made available for inspection upon request of the Board or its representative.

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: PPT2) Code Citation: 11 Ill. Adm. Code 3143) Section Number: Adopted Action:

314.10 New Section

314.20 New Section

314.30 New Section

314.40 New Section

314.50 New Section

314.60 New Section

4) Statutory Authority: 230 ICS 5/9(b)5) Effective Date of Rule: April 1, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No

8) Date filed in Agency's Principal Office: February 28, 19979) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 15195 - 12/2/96

10) Has JCRC issued a Statement of Objections to this rule? No

11) Differences between Proposal and final version: In Section 314.10(e), added "in the event the trifecta wagering is canceled, all PPT wagers shall be refunded, changed subsections (f) and (g) to (g) and (h) respectively and added current text found in subsection (f) in Sections 314.20(c) and (d), replaced "winners" with "winning combinations" in 314.30(c) and (d), replaced "PPT contests" in Sections 314.30(c)(1) and (2) with "winning PPT contests" in Sections 314.30(c)(1) and (2), replaced "with no winners" with "without any winning combinations in either of the remaining PPT contests". In Section 314.30(c)(2), added "only in the event no wager correctly selects the exact winning combination for the entire PPT wager". In Section 314.30(d), added "only in the event no wager correctly selects the exact winning combination for the entire PPT wager". Added subsection (e) to Section 314.60, changed subsection (b) to (c) and moved first notice text to subsection (c). Added current text in subsections (b), (b)(1), (b)(2) and (b)(3). In Section 314.60, added subsection (d).

12) Have all the changes listed upon by the agency and JCRC been made as indicated in the letter issued by JCRC? Yes

13) Will these amendments replace emergency amendments currently in effect? No

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

14) Are there any other proposed amendments pending in this Part? No

15) Summary and purpose of rules: This rulemaking establishes a PPT wager which combines two Perfectas and one trifecta into a single wager. This rule includes a pool distribution method which allows a 50% refund on losing wagers.

16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro  
Illinois Racing Board  
Legal Department  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601  
(312) 814-5070.

The full text of the adopted amendments begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

## CHAPTER 11: HORSE RACING

## CHAPTER 11: ILLINOIS RACING BOARD

## SUBCHAPTER a: GENERAL RULES

## PART 314

## PPT

## Section

314.10 General

314.20 Pool Distribution

314.30 Scratches

314.40 Dead Heats

314.50 Races Cancelled

314.60 Mandatory Distribution

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975: [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 3247, effective 11/1/21.

## Section 314.10 General

- a) The PPT (perfecta, perfecta, trifecta) requires the selection of the first two finishers in each of two designated contests and the first three finishers of a third designated contest, in exact order.
- b) PPT wagers shall be calculated in an entirely separate pool.
- c) An organization licensee offering the PPT wager may rename the wager so long as the name adopted by the organization licensee remains the same throughout the race meet.
- d) Entries and fields shall be allowed in the two designated perfecta contests without restriction. Entries and fields shall be allowed in the designated trifecta contest only in accordance with Section 308-20.1(a).
- e) The minimum field requirements set forth in Section 306.30 for trifectas shall apply to the designated trifecta contest of the PPT. In the event the trifecta wagering is canceled, all PPT wagers shall be refunded.
- f) In the event the organization licensee prohibits perfecta wagering pursuant to 11 Ill. Adm. Code 300.80(c), all PPT wagers shall be refunded.
- g) Each PPT contest shall be clearly designated in the official program.
- h) An organization licensee may offer only one PPT wager per program.

## Section 314.20 Pool Distribution

The organization licensee shall choose one of the following pool distributions:

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- a) Method 1, PPT with carryover: The net PPT pool and carryover, if any, shall be distributed to those who selected the exact winning PPT combinations.
- b) Method 2, PPT with carryover and refund: The net PPT pool and carryover, if any, shall be distributed to those who selected the exact winning PPT combinations. If there are no such wagers selecting the exact winning PPT combinations, 50% of each PPT wager which represents 50% of the daily gross pool shall be refunded to those holding valid PPT wagers and the remaining 50%, excluding takeout, shall be added to the carryover pool.

## Section 314.30 Scratches

- a) In the event any contestant that is not part of an entry or field is scratched prior to the start of the first designated PPT contest, all wagers including the scratched betting interests shall be refunded.
- b) In the event any contestant that is part of an entry or field is scratched prior to the start of the first designated PPT contest, the remaining contestants in that entry or field shall remain valid betting interests and no refunds shall be granted.
- c) In the event any contestant is scratched after the first designated PPT contest, those holding wagers which contain scratched betting interests with exact winning combinations in either of the remaining PPT contests shall receive a refund.
  - 1) In the event the organization licensee elects method 1 of the pool distribution (Section 314.20(a)), those whose wagering combination contains a scratched betting interest without any winning combinations in either of the remaining PPT contests shall not receive a refund.
  - 2) In the event the organization licensee elects method 2 of the pool distribution (Section 314.20(b)), those whose wagering combination contains a scratched betting interest without any winning combinations in either of the remaining PPT contests shall receive a refund and the net PPT pool and carryover, if any, shall be distributed to those who selected the exact winning PPT combinations for the entire PPT wager.
- d) In the event of a mandatory distribution, those wagers containing a scratched betting interest with an exact winning combination in either of the remaining PPT contests shall be considered winning wagers and shall not be subject to a refund only in the event no wager correctly selects the exact winning combination for the entire PPT wager.
- e) In the event scratches reduce the number of betting interests below the minimum field requirement for the trifecta contest of the PPT, the daily net PPT pool shall be distributed as a single price pool to those whose combination contains the winning combinations for the two perfecta contests. If there are no wagers which correctly select the winning combination for both perfecta contests, the daily net pool shall be refunded and the carryover pool, if any, shall be carried to the next racing program.

## ILLINOIS RACING BOARD

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## Section 314.40 Dead Heats

In the event of a dead heat in any of the designated PPT contests, all wagers containing the dead heat horses shall be considered winners. In the event the PPT net and carryover pools are subsequently distributed, those holding wagers containing the winning combinations shall share in a single price pool.

## Section 314.50 Races Cancelled

In the event one or more of the PPT contests are cancelled, all valid PPT wagers shall be refunded and the carryover, if any, shall be carried forward to the next racing program.

## Section 314.60 Mandatory Distribution

a) A written request for permission to distribute the PPT carryover pool on specific performances may be submitted to the State Director of Mutuels. The request shall contain justification of the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

b) The PPT carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

1) Upon written approval from the State Director of Mutuels as provided for in subsection (a).

2) Written approval from the State Director of Mutuels when there is a change in the carryover cap or when the PPT is discontinued.

3) On the closing performance of the meet, split meet or successive or intervening race meeting at the same race track of the same horse breed.

c) In the event the PPT carryover pool is designated for distribution on a specific date and performance in which there are no wagers selecting the exact winning PPT combination, the entire pool shall be distributed based on the official order of finish:

1) As a single price pool to those whose combination correctly selected the winning betting interests, in exact order, of the first two PPT contests and the first two finishers, in exact order, of the third PPT contest; but if there are no such wagers, then

2) As a single price pool to those whose combination correctly selected the winning betting interests, in exact order, of the first two PPT contests and the first place finisher of the third PPT contest; but if there are no such wagers, then

3) As a single price pool to those whose combination correctly selected the winning betting interests, in exact order, of the first two PPT contests; but if there are no such wagers, then

4) As a single price pool to those whose combination correctly selected the winning betting interests, in exact order, of the

## ILLINOIS RACING BOARD

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first PPT contest and the first place finisher of the second PPT contest; but if there are no such wagers, then

5) As a single price pool to those whose combination correctly selected the winning betting interests, in exact order, of the first PPT contest; but if there are no such wagers, then

6) As a single price pool to those whose combination correctly selected the first place finisher in the first PPT contest; but if there are no such wagers, then

7) As a single price pool to holders of valid PPT wagers.

d) If, for any reason, the PPT carryover must be held over to the corresponding PPT of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the State Director of Mutuels. The PPT carryover, plus accrued interest, shall then be added to the net PPT pool of the following meet or second portion of a split meet on a date and performance designated by the State Director of Mutuels.



DEPARTMENT OF TRANSPORTATION  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aviation Safety
- 2) Code Citation: 92 Ill. Adm. Code 14
- 3) Section Numbers: Adopted Action:  
14.775 Amend
- 4) Statutory Authority: Implementing and authorized by Sections 28, 42(3), and 47 of the Illinois Aeronautics Act (620 ILCS 5/28, 42(3) and 47)
- 5) Effective Date of Rulemaking: March 4, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 4, 1997
- 9) Notice of Proposal Published in Illinois Register: November 8, 1996, 20 Ill. Reg. 14383
- 10) Has JCARR issued a Statement of Objections to these rules? No
- 11) Differences between Proposal and final version: The Department inserted the Subpart heading before Section 14.775.

Section 14.775(a) has been revised to read as follows:

Except as provided in Section 14.780, the following operations shall not be conducted on a restricted landing area: carrying of passengers for hire other than for emergency medical services; purpose of the carrying of passengers for hire under a continuing bilateral contract or contract; student instruction; rental of planes; air meets or exhibitions; sale of gasoline and oil; or advertising for any of the above.

- 12) Have all the changes agreed upon by the agency and JCARR been made as indicated in the agreement letter issued by JCARR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: By this Notice of Adopted Amendments, the Department has amended Section 14.775, "Restrictions on Use." This Section, which deals with restricted landing areas, did not allow restricted landing area (RLA) heliports to be used by helicopters carrying passengers for hire. Many hospitals in Illinois have RLA

DEPARTMENT OF TRANSPORTATION  
NOTICE OF ADOPTED AMENDMENTS

heliports as part of their emergency service facilities. Some of the patients transported by helicopters to these RLA heliports pay for the privilege; therefore, it could have been argued that they are passengers for hire.

It has never been the Department's intention to prohibit medical flights into hospital RLA heliports. Medical flights are the very reason these hospital RLA heliports were created. Rather than take a chance that a helicopter operator might refuse to land at a hospital RLA heliport because it may be technical violation of this Part, the Department has amended Section 14.775 to show that emergency medical flights are allowed at hospital RLA heliports.

16) Information and questions regarding this adopted amendment shall be directed to:

James Biddill, Bureau Chief  
Bureau of Aviation Education and Safety  
Illinois Department of Transportation  
Division of Aeronautics  
4100 South Bond Drive  
Springfield, IL 62707  
(217) 785-8516

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION  
NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER 1: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER 2: AERONAUTICS

PART 14  
AVIATION SAFETY

SUBPART A: INTRODUCTION

Section  
14.10 Definitions

SUBPART B: AIRCRAFT REGISTRATION

Section  
14.210 Annual Registration of Aircraft Required  
14.220 Time and Manner of Registration  
14.230 Exhibition of Federal Aircraft Certificates and Certificate of  
Registration thereof  
14.240 Exceptions to Registration Requirements

SUBPART C: PILOT REGISTRATION

Section  
14.310 Annual Registration of Pilots Required  
14.320 Time and Manner of Registration  
14.330 Exhibition of Federal Pilot Certificates and Certificate of  
Registration thereof  
14.340 Exceptions to Registration Requirements

SUBPART D: AIR SAFETY

Section  
14.410 Responsibility and Authority of Pilot  
14.420 Use of Liquor, Narcotics and Drugs  
14.430 Dropping Object from Aircraft  
14.440 Acrobatic Flight  
14.450 Transportation of Explosives and Other Dangerous Articles  
14.460 Spraying, Dusting, Seeding, Etc.  
14.470 Public Fly-In Events-Prevention of Accidents Due to Overcrowding of  
Landing Areas  
14.480 Applicability

SUBPART E: REPORTING OF ACCIDENTS UNDER AIRCRAFT  
FINANCIAL RESPONSIBILITY LAW

Section

DEPARTMENT OF TRANSPORTATION  
NOTICE OF ADOPTED AMENDMENTS

14.510 Duty of Owner to Report  
14.520 Deposit of Security - When Required  
14.530 Exceptions to Requirements for Posting of Security  
14.540 Reduction in Security  
14.550 Custody and Disposition of Security  
Penalties  
14.560  
14.570 Self-Insurers  
14.580 Fleet Policy  
14.585 Duration of Suspension  
14.590 Return of Security  
14.595 Multiple Owners  
14.597 Exceptions

SUBPART F: AIRPORTS

Section  
14.610 Operation Without Certificate of Approval Unlawful  
14.620 Application for Certificate of Approval  
14.625 Airport Classification  
14.630 Application for Transfer of Certificate of Approval  
14.640 Alteration or Extension of an Existing Airport Unlawful Without  
Certificates of Approval  
Standards for Issuing Certificate of Approval  
14.650 Location  
14.655 Design and Layout  
14.660 Obstructions  
14.665 Airport Marking  
14.670 Facilities  
14.675 Airports for Non-Conventional Aircraft  
14.680 Responsibility of Certificate Holder  
14.685 Posting of Rules  
14.690 Waivers

SUBPART G: RESTRICTED LANDING AREAS

Section  
14.710 Operation Without Certificate of Approval Unlawful  
14.720 Application for Certificate of Approval  
14.725 Transfer of Certificates  
14.730 Alteration or Extension of an Existing Restricted Landing Area  
14.740 Unlawful Without Certificate of Approval  
Standards for Issuing Certificates of Approval  
14.750 Location  
14.760 Landing Area  
14.765 Responsibility of Certificate Holder  
14.770 Restrictions on Use  
14.775 Exceptions  
14.780 Illinois Aeronautical Chart  
14.785

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

14.790 Restricted Landing Area - Heliport  
 14.792 Restricted Landing Area - Heliport Approach Zones  
 14.795 Subchapter 9 to Apply to Restricted Landing Area - Heliports  
 14.797 Restricted Landing Area - Balloon Ports  
 14.799 Waivers

## SUBPART H: SPECIAL PURPOSE AIRCRAFT

Section  
 14.810 Operation Without Certificate of Registration Unlawful  
 14.820 Special Purpose Aircraft Designation  
 14.830 Registration  
 14.840 Exemption from Registration  
 14.850 Completion of Aircraft Registration  
 14.860 Principal Base of Operations  
 14.865 Liability  
 14.870 Prohibitions on Use  
 14.875 Copies  
 14.880 Glider-Sailplane Operations  
 14.885 Balloon Flight and Operations  
 14.890 Saving Clause

## SUBPART I: PRACTICE AND PROCEDURE

Section  
 14.902 Purpose and Applicability  
 14.905 Filing of Documents  
 14.910 Formal Specifications  
 14.915 Reproduction of Documents  
 14.920 Copies  
 14.925 Verification of Documents  
 14.930 Identity of Filer  
 14.935 Informal Documents  
 14.940 Amendment of Documents  
 14.945 Responsive Documents  
 14.950 Service of Documents  
 14.955 Appearances  
 14.960 Informal Participation in Hearing Cases  
 14.965 Formal Participations  
 14.970 Computation of Time  
 14.975 Extensions of Time  
 14.980 Motions  
 14.985 Answers to Motions  
 14.990 Subpoenas  
 14.995 Administrative Law Judge ("ALJ")  
 14.998 Petitions for Rehearing  
 14.999 Judicial Review (Repealed)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

APPENDIX A Closed Airport and Closed Runway Marker  
 APPENDIX B Mono-Directional Airport Minimum Standards  
 APPENDIX C Approach Zones for Heliports Including Glide and Transition Slopes  
 APPENDIX D Restricted Landing Area Farming and Obstruction Standards Plate  
 TABLE A Visual Flight Rules  
 TABLE B Airport Physical Standards  
 TABLE C Heliport Physical Standards  
 TABLE D Airport Classification Standards

AUTHORITY: Implementing and authorized by Sections 28, 42(3), and 47 of the Illinois Aeronautics Act (620 ILCS 5/28, 42(3) and 47).

SOURCE: Filed December 28, 1977; codified at 8 Ill. Reg. 19592; amended at 9 Ill. Reg. 4141, effective March 11, 1985; amended at 11 Ill. Reg. 40314, effective December 12, 1985; amended at 18 Ill. Reg. 13461, effective August 19, 1994; amended at 21 Ill. Reg. 3253, effective 11/14/11.

## SUBPART G: RESTRICTED LANDING AREAS

## Section 14.775 Restrictions on Use

a) Except as provided in Section 14.780, the following operations shall not be conducted on a restricted landing area: carrying of passengers for hire other than for emergency medical services; purposes of the carrying of passengers for hire under a continuing bilateral contract or contracts; student instruction; rental of planes; air meets or exhibitions; sale of gasoline and oil; or advertising for any of the above.  
 b) The carrying of passengers for hire in a continuous flight from and to any one given location other than a certified commercial airport is expressly prohibited unless in accordance with Section 14.780(b). Flight from Public Roads is also expressly prohibited.

(Source: Amended at 21 Ill. Reg. 3253, effective 11/14/11)

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Authorized Child Care Payments

2) Code Citation: 89 Ill. Adm. Code 359

3) Section Numbers:  
Emergency Action:  
Amend

4) Statutory Authority: 20 ILCS 505

5) Effective Date of Amendments: March 1, 1997

6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable

7) Date Filed in Agency's Principal Office: March 1, 1997

8) Reason for Emergency: These amendments are being adopted to ensure that the provisions of this Part relating to adoption assistance agree with the Department's emergency amendments contained in 89 Ill. Adm. Code 302. Services Delivered by the Department. The changes are needed because the current policy has reduced the achievement of permanent homes for children and placed their long range welfare at risk. Since the current policy was adopted in November 1995, the number of persons willing to adopt children has decreased significantly. In a survey conducted of potential adoptive parents, a significant number indicated that they could not or would not adopt a child with special needs because of the more restrictive adoption assistance policies adopted by the Department in 1995. The Department is adopting these amendments on an emergency basis in order to ensure that those children with special needs who would not otherwise be adopted under the current provisions are adopted as soon as possible, thereby achieving permanent homes.

9) A Complete Description of the Subjects and Issues Involved: These rules are being amended to agree with the Department's rules on adoption assistance contained in 89 Ill. Adm. Code 302, Services Delivered by the Department, Sections 302.310 and 302. Appendix B.

10) Are there any proposed amendments to this Part pending? No

11) Statement of Statewide Policy Objectives: These rules do not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

12) Information and questions regarding these rules shall be directed to:

Jacqueline Nottingham  
Chief, Office of Rules and Procedures  
Department of Children and Family Services

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

406 East Monroe, Station #65  
Springfield, Illinois 62701-1498  
Telephone: (217) 524-1983  
TTY: (217) 524-3715

The full text of the emergency rules begins on the next page:

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER C: FISCAL ADMINISTRATION

## PART 350

## AUTHORIZED CHILD CARE PAYMENTS

## Section

359.1 Purpose

359.2 Definitions

359.3 Introduction

359.4 Payments for Substitute Care Services

EMERGENCY

359.5 Payments for Family Preservation and Auxiliary Services

359.6 Payments for Independent Living Arrangements

359.7 Payments for Children's Personal and Physical Maintenance

359.8 Payments for Unmarried Mothers

359.9 Payments for Medical Care

359.10 Overpayments and Repayments

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5].

SOURCE: Adopted and codified at 5 Ill. Reg. 13129, effective November 30, 1981; amended at 9 Ill. Reg. 19705, effective December 16, 1985; amended at 10 Ill. Reg. 15575, effective September 19, 1986; amended at 19 Ill. Reg. 10464, effective July 1, 1995; emergency amendment at 21 Ill. Reg. 3256, effective March 1, 1997, for a maximum of 150 days.

## Section 359.4 Payments for Substitute Care Services

## EMERGENCY

Payments are made for children for whom the Department has legal responsibility in the following types of substitute care living arrangements if the placements meet the requirements established via the purchase of service contracts and the applicable licensing rules as specified in 89 Ill. Adm. Code 377, Purchase of Service, 89 Ill. Adm. Code 401, Licensing Standards for Child Welfare Agency, 89 Ill. Adm. Code 402, Licensing Standards for Child Welfare Agency, 89 Ill. Adm. Code 403, Licensing Standards for Foster Family, 89 Ill. Adm. Code 404, Licensing Standards for Group Homes and 89 Ill. Adm. Code 405, Licensing Standards for Child Welfare Agency.

Licensing Standards for Child Welfare Agency.

a) Foster family care is provided in licensed foster family homes.

- The Department recognizes the following types of foster family homes:
- 1) Specialized foster family homes and intensive service foster homes receive additional monthly compensation because they accept children with medical, behavioral and/or psychological problems or because they accept pregnant girls or young mothers who are in need of specialized training in parenting skills, child development, money management, and self sufficiency.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 2) Emergency foster homes may be paid a flat rate for days of service provided or may receive retainer fees to assure that emergency beds are available 24 hours per day.
- 3) Department boarding homes are licensed foster family homes operated by foster parents supervised by the Department.
- 4) Private foster family homes are licensed foster family homes supervised by the Department.
- 5) Relatives who choose to be licensed as foster family homes under the provisions of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes.
- 6) Deaf foster care is a unique service provided in Department boarding homes for children for whom the Department is not legally responsible who require placement for educational reasons.
- b) Relative family care may be provided by a relative as defined in Section 359.2 living within the State of Illinois as follows:
  - 1) If a relative does not wish to apply for licensure as a foster family home, or has submitted an application for licensure and the application is pending, or has applied for licensure and been denied, the relative may provide care to children for whom the Department is legally responsible as long as the relative family home continues to meet the conditions in Section 301.80 of 89 Ill. Adm. Code 301, Placement and Visitation Services.
  - 2) Relative caregivers who choose this option will be referred to the Department of Public Aid to apply for Aid to Families with Dependent Children (AFDC) for the related children placed with them and will have 90 days to complete the AFDC application and eligibility process.
  - 3) The Department of Children and Family Services will provide supplemental payments for children for whom the Department is legally responsible to bring the total income for the related children placed with the relative caregiver to the child only standard of need established by the Illinois Department of Public Aid.
  - 4) For placements made prior to July 1, 1995, if the relative caregiver fails to complete the AFDC application and eligibility determination process within 90 days after receipt of a notice to apply for AFDC, the relative will receive no payment from the Department. The relative's continued suitability of the relative's home will be reassessed.
  - 5) For placement made on or after July 1, 1995, if the relative caregiver fails to complete the AFDC application and eligibility determination process within 90 days after placement of the related child, the relative will receive no payment from the Department. In such cases the continued suitability of the relative's home will be reassessed.
  - 6) At a future date, if the relative complies with the requirement to apply for AFDC and complete the eligibility determination

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process, the Department will then provide the supplemental payments to bring the total income for the related children to the child only care standard of need.

- c) Relative family care may also be provided to relatives living out of the State of Illinois. If a relative living in another state is responsible, the relative will receive the full foster care rate if the relative submits documentation to the Department by July 15, 1995 that they are licensed, approved or certified in accordance with the other state's standard for licensing, approving or certifying foster homes. If documentation is not postmarked by July 15, 1995, the Department will reduce the payment to the child only standard of need established for that number of children by the Illinois Department of Public Aid for Group II counties. If, at a future date, the relative submits documentation to the Department that they are licensed, approved or certified in accordance with the other state's standard for foster homes, the payment will be increased to the full foster care rate.
- d) Institution and group home care is provided in licensed institutions and group homes. Rates are established for these facilities via a purchase of service contract with the Department.
- e) Subsidized adoptive homes are adoptive homes to which the Department provides financial assistance when a special needs child for whom the Department was legally responsible is adopted.

1) The times of adoption assistance that may be provided include:  
Special--service--subsidy--in--special--help--given--to--handle--an anticipated expense when no other resource is available--it may include:

- A) one-time only payments of non-recurring expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a special needs child up to a maximum of \$1500 for each adopted child legal--fees--related--to--the consummation--of--the--adoption;
- B) payment for physical, emotional and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a condition(s) whose onset has been established as occurring prior to the completion of the adoption medical--costs--not--covered--by--the adopting family's medical insurance--or--by--the Division--of Specialized Care for Children;
- C) ongoing monthly payments in an amount determined in each case by the Department in accordance with 89 Ill. Adm. Code 302.107. Services delivered by the Department, Section 302.110, Adoption Assistance Agreement and Appendix 9. Calculating the amount of Adoption Assistance. The duration of adoption assistance may not extend beyond age 18 years, although adoption assistance may be provided at the Department's option until the child's 21st birthday if the child has a

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physical, mental, or emotional disability that warrants the continuation of assistance, other special services, such as physical therapy, counseling, prosthetic, special education a child may require due to a physical or mental handicap.

- 2) Regular adoption assistance payments are monthly payments beyond the legal consummation of the adoption and may continue until the child reaches age 18 for children adopted after November 30, 1993--unless the child has a mental or physical handicap--when other assistance is not available for a child adopted after November 30, 1993--with a mental or physical handicap adoption assistance may be provided to age 21.
- 2)3) The purpose, amount, and duration of the adoption assistance will be mutually agreed to by the Department and the adopting parents prior to completion of the adoption in the form of a written agreement. The amount of financial assistance shall be less than the cost of maintaining the child in an appropriate foster family home. Special service fees shall cost no more than such services would cost the Department.
- 2)4) The Department shall annually review with the adoptive parent(s) the continuing needs of the child for adoption assistance every two years or more frequently, based on changes in the circumstances of the adoptive parents and the needs of the child being adopted. The adoptive parent(s) shall readily agree--shall be an annual written reapplication for adoption assistance every two years prior to the anniversary date of the finalization of the adoption.

f) Related services are not substitute care services but are provided to enhance the care provided to children who require substitute care services.

- 1) In an effort to upgrade the quality of foster family care, the Department may pay for foster parent training and costs associated with training. These payments are provided as funding allows.
- 2) Permanent planning and adoption contracts may be negotiated with licensed child welfare agencies. These contracts are negotiated to develop plans for children in substitute care and to secure adoption resources for special needs children.

(Source: Emergency amendment at 21 Ill. Reg. 325.0, effective March 1, 1997, for a maximum of 150 days)



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1) Heading of the Part: Services Delivered by the Department

2) Code Citation: 89 Ill. Adm. Code 302

3) Section Numbers:

302.310      Emergency Action:  
Amend  
302.Appendix B      Amend

4) Statutory Authority: The Children and Family Services Act [20 ILCS 505]

5) Effective Date of Amendments: March 1, 1997

6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable

7) Date Filed in Agency's Principal Office: March 1, 1997

8) Reason for Emergency: The emergency amendments change the definition of special needs children, the method of calculating the monthly adoption assistance amount, and changes the review period for adoption assistance cases from annually to every two years or more frequently, based on changes in the circumstances of the adoptive parents and the needs of the child being adopted. The changes are needed because the current policy has reduced the achievement of permanent homes for children and placed their long range welfare at risk. Since the current policy was adopted in November 1995, the number of persons willing to adopt children has decreased significantly. In a survey conducted of potential adoptive parents, a significant number indicated that they could not or would not adopt a child with special needs because of the more restrictive adoption assistance policies adopted by the Department in 1995. The Department is adopting these amendments on an emergency basis in order to ensure that those children with special needs who would not otherwise be adopted under the current provisions are adopted as soon as possible, thereby achieving permanent homes.

9) A Complete Description of the Subjects and Issues Involved: The Department is amending the method of calculating monthly assistance payments by only considering the taxable income of adoptive parents that is in excess of \$74,999. The level of subsidy will be reduced based on a graduated income scale starting with an annual taxable income of \$77,000. In addition, the family size, number of children being adopted, and level of care determination will no longer be used in the calculation of the adoption subsidy. The subsidy rate will be based on the \$25 less than the adoption subsidy the child was receiving in foster care at the time the adoption assistance agreement was signed. Cost of living adjustments and increases by age category will be provided. The definition of special needs has been amended to simplify the definition

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to reflect categories similar to the definition of special needs that were used prior to November 26, 1995. Adoption assistance agreements will be subject to renewal every two years rather than annually.

10) Are there any proposed amendments to this Part pending? Yes

Section Number	Proposed Action	Illinois Register Citation
302.20	Amend	January 17, 1997 (21 Ill. Reg. 745)
302.400	Amend	January 17, 1997 (21 Ill. Reg. 745)
302.405	New	January 17, 1997 (21 Ill. Reg. 745)

11) Statement of Statewide Policy Objectives: These rules do not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

12) Information and questions regarding these rules shall be directed to:

Jacqueline Nottingham  
Chief, Office of Rules and Procedures  
Department of Children and Family Services  
406 East Monroe, Station #65  
Springfield, IL 62701-1498  
(217) 524-1983  
(217) 524-3715

The full text of the emergency rules begins on the next page:

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER a: SERVICE DELIVERY

## PART 302

## SERVICES DELIVERED BY THE DEPARTMENT

## SUBPART A: GENERAL PROVISIONS

Section	Purpose
302.10	Definitions
302.20	Introduction
302.30	Department Service Goals
302.40	Functions in Support of Services

## SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section	Purpose
302.100	Reporting Child Abuse or Neglect to the Department (Recodified)
302.110	Content of Child Abuse or Neglect Reports (Recodified)
302.120	Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130	Special types of Reports (Recodified)
302.140	Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150	Delegation of the Investigation (Recodified)
302.160	The Investigative Process (Recodified)
302.170	Taking Children Into Temporary Protective Custody (Recodified)
302.180	Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190	Referral for Other Services (Recodified)

## SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section	Purpose
302.300	Adoptive Placement Services
302.305	Adoption Listing Service for Special Needs Children
302.310	Adoption Assistance Agreements

## EMERGENCY

Section	Purpose
302.311	Nonrecurring Adoption Expenses (Repealed)
302.315	Adoption Registry
302.320	Counseling of Casework Services
302.330	Day Care Services
302.340	Emergency Caretaker Services
302.350	Family Planning Services
302.360	Health Care Services
302.370	Homemaker Services
302.380	Information and Referral Services

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Placement Services (Repealed)  
Successor Guardianship

## SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section	Purpose
302.500	Implementation of the Family Preservation Act
302.510	Types of Intensive Family Preservation Services
302.520	Phase In Plan for Statewide Family Preservation Services
302.540	Time Frames

## APPENDIX A Acknowledgement of Mandated Reporter Status (Recodified)

## APPENDIX B Calculating the Amount of Adoption Assistance EMERGENCY

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 3104, effective June 1, 1985; amended March 1, 1985; amended at 10 Ill. Reg. 1398, effective June 1, 1987; amended at 10 Ill. Reg. 5557, effective March 1, 1988; amended at 11 Ill. Reg. 1398, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1929, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A, amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 17 Ill. Reg. 274, effective February 10, 1993; for a maximum of 150 days; emergency expired on July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; for a maximum of 150 days; emergency expired November 27, 1995; emergency amendment at 19 Ill. Reg. 16735, effective November 28, 1995; for a maximum of 150 days; amended at 20 Ill. Reg. 4606, effective March 15, 1996; amended at 20 Ill. Reg. 6670, effective May 1, 1996; emergency amendment at 21 Ill. Reg. 1033, effective January 1, 1997; for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3265.

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effective March 1, 1997, for a maximum of 150 days.

**Section 302.310 Adoption Assistance Agreements**  
**EMERGENCY**

a) Adoption assistance may be provided to those persons adopting children who are legally free for adoption, who are residents of Illinois and who the Department has determined have special needs because of which it is reasonable to conclude that the child cannot be adopted unless adoption assistance is provided. Although eligibility for adoption assistance shall be determined regardless of the financial circumstances of the adoptive parents, the types and amounts of assistance under each adoption assistance agreement shall be determined by the Department on an individual basis. The Department shall take into consideration the specific circumstances (e.g., parents' taxable income, family size, number of children being adopted at the same time) of the adoptive parents and any special care needs (e.g., behavioral/emotional, therapy, counseling, educational, intervention, personal care and medical/physical conditions) of the child being adopted as described in subsection (b)(2). The types of adoption assistance that may be provided include:

- 1) one-time only payments of non-recurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a special needs child, up to a maximum of \$1500-00 for each adopted child;
  - 2) payments for physical, emotional, and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a medical condition(s) whose onset has been established as occurring prior to the completion of the adoption;
  - 3) in cases where a child also meets the eligibility requirements of subsection (d) of this Section, ongoing monthly payments in an amount determined in each case by the Department in accordance with subsection (f) of this Section and the formula described in 302-Appendix B, Calculating the Amount of Adoption Assistance, and subject to adjustment at each annual review every two years, or more frequently based on changes in the circumstances of the adoptive parents and the needs of the child being adopted. In y-but-in no event shall the monthly adoption assistance payment be greater than \$25 less than the applicable licensed foster family care payment level as adjusted in accordance with 302-Appendix B, at the time the adoption is finalized or in the case of conditional monthly payments described in subsection (f) of this Section, at the time the first monthly payment is made.
- b) For purposes of this Section, a child shall not be considered a child with special needs unless the Department has first determined that:
- 1) the child cannot or should not be returned to the home of his or

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her parents, as determined by:

- A) a judicial adjudication that the child is abused, neglected or dependent or other judicial determination that there is probable cause to believe that a child is abused, neglected or dependent; and
- B) a determination by the Department that the child is likely to suffer further abuse or neglect or will not be adequately cared for if returned to the parent(s) and is a member of a sibling group being placed together where at least one child has one of the following conditions:
  - A) has an irremediable or non-correctable physical, mental or emotional disability;
  - B) through physical, mental or emotional disability correctable through surgery, treatment, or other specialized services; or
  - C) is six years of age or older; or
  - D) there exists with respect to the child one or more specific factors or conditions (such as his or her ethnic background, age, or membership in a minority or sibling group) or the presence of factors such as documented medical conditions or physically mental or emotional handicaps, because of which the Department reasonably concludes that such child cannot be placed with adoptive parents without providing adoption assistance; and
- 3) a reasonable, but unsuccessful, effort has been made to place the child with adoptive parents without providing adoption assistance and the prospective adoptive parents are either unwilling or unable to adopt the child without adoption assistance, as evidenced by a written statement from the adoptive parents. A documented search for alternative adoptive placements without adoption assistance shall be made unless the Department determines that such a search is against the best interests of the child because the child has developed significant emotional ties with the prospective adoptive parents while in their foster care.
- c) Adoption assistance agreements as a one-time only payment payments for non-recurring adoption expenses shall be provided to parents adopting a child who is determined by the Department to have special needs as provided in subsection (b) of this Section. This includes expenses incurred by or on behalf of such parents in connection with the adoption of a special needs child either directly or through another public or private agency. The expenses include reasonable and necessary adoption agency court costs, attorney fees, and other expenses that are directly related to the legal adoption of a child with special needs and that are not incurred in violation of State or Federal law. The amount of payments to be made in any specific case

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shall be determined by the needs of the child being adopted, and the availability of pro bono services, and shall not exceed \$1500.00 per adoptive child. The adoptive parents may refuse any or all payments available under this subsection (c) of this Section.

- d) Adoption assistance agreements for ongoing monthly payments and medical assistance may be provided to parents adopting a child who:

- 1) is determined by the Department to be in need of special needs as provided in subsection (b) of this Section; and
- 2) meets one of the following three conditions:
  - A) was eligible for Aid to Families with Dependent Children (AFDC) under Title IV-A of the Social Security Act at the time the adoption petition was filed; or
  - B) was eligible for foster care maintenance payments under Title IV-E of the Social Security Act at the time the adoption petition was filed; or
  - C) was eligible for Supplemental Security Income (SSI) prior to finalization of the adoption; or
  - D) is a child for whom the Department of Children and Family Services was legally responsible when the adoption petition was filed; and

- 3) is determined by the Department to be in need of ongoing monthly assistance--payments--in--order--to--provide--the--child--with--a permanent--home; and

- 3.14) in all cases, other than a child determined to have special needs under subsection (b)(2) of this Section because of a documented medical condition--or--a physical, mental, or emotional disability handicap, the child has been in the care of the Department or another agency or person other than his or her parents pursuant to an order of the court for at least one year prior to the adoption. For a child with a documented medical condition, the requirement is not applicable for children who are at least one sibling is determined to be in need of special needs because of a documented physical, mental, or emotional disability, and meets all other requirements for adoption assistance.

- e) The Department shall determine whether to provide ongoing monthly payments and the amount of the payment in each individual case by taking into consideration the circumstances of the adoptive parents and the needs, age, and type of placement of the child being adopted as adjusted for any benefits the child will be receiving, such as Social Security, SSI, Veteran's benefits, railroad retirement or black lung benefits, financial settlements, payments, inheritance or gifts.
- f) For a child with a documented medical condition--or--physical, mental, or emotional handicap--the ongoing monthly payments may include an amount based on the level of care needed to support the child. In cases where the determination under subsection (b)(2) of this Section is based on a diagnosis that the child may eventually require care for a documented medical condition or disability related to pre-existing physical, mental, or emotional conditions or risk factors handicap

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that do does not yet require treatment at the time of the adoption, no such payments based on the level of care shall be made at that time. The Department shall determine if the agreement may provide that such payments be initiated when the child meets the preexisting condition or identified risk factor which warranted the ongoing treatment or professional intervention. If such factor is changed, the ongoing treatment or professional payment shall in no event exceed 5% less than the amount the child would receive if he had received the child was in been in foster care at the time the payments are initiated as adjusted in accordance with Appendix B of this Part.

- g) The adoption assistance agreement providing for ongoing monthly payments and medical assistance shall include an agreement with the adoptive parents that the amount of any ongoing monthly payments calculated in accordance with Appendix B of this Part shall be reviewed at least every two years annually and may be readjusted every two years annually or more frequently, based on changes in the circumstances of the adoptive parents and the needs of the child being adopted. If the adoptive parents or the adopted child disagree with the Department's determination, they may appeal the determination in accordance with 89 Ill. Adm. Code 337, Service Appeal Process. 7--but can never exceed the maximum established when the adoption assistance agreement was finalized. The amounts of ongoing adoption assistance payments are subject to change based on changes in State or Federal law regarding adoption assistance. Adoptive parents may refuse any or all payments offered by the Department.

- h) A prospective adoptive family being presented with a child determined to be a special needs child shall be made aware of the availability of adoption assistance--the type of assistance available--the amount of payments and, in the case of ongoing monthly adoption assistance payments, that such payments are subject to review at least every two years annually and may be readjusted as set forth in Appendix B of this Part subsection 199--of--this--Section. In order to receive adoption assistance, the child must be placed in the adoptive home and the adoption assistance agreement signed prior to finalization of the adoption.

- i) The type(s), amount and duration of adoption assistance shall be determined in writing by the Department and the adoptive parent(s) prior to the finalization of the adoption and shall be set forth in the adoption assistance agreement which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the adoptive parents reside currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the adoptive parents and child move to another state while the agreement is in effect. The duration of adoption assistance may not extend beyond age 18 years for--children--for--whom--the--adoption assistance agreement was negotiated on or after November 28, 1995, although adoption assistance may be provided at the Department's

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option until the child's 21st birthday if the child has a physical, mental or emotional disability ~~handicap~~ that warrants the continuation of assistance. The adoptive parents or the adoptive child may appeal the Department's decision to discontinue adoption assistance at age 18 and the child is not eligible for other benefits.

- 3) The adoptive parent(s) shall notify the Department as soon as practically possible in writing of a change in address or when the following changes occur which will affect the amount of adoption assistance:

- 1) the child is no longer the legal responsibility of the adoptive parent(s);
- 2) the child is no longer receiving financial support from the adoptive parent(s);
- 3) the child no longer requires adoption assistance for the special needs for which adoption assistance was being provided;
- 4) the child becomes eligible for any benefit payments that would affect the monthly payment, such as Social Security benefits, Supplemental Security Income (SSI) benefits, Veterans' benefits, railroad retirement or black lung benefits, financial settlements, payments, inheritance or gifts;
- 5) a change has occurred in the circumstances of the family that is relevant in determining the amount of assistance payments; ~~7~~ or
- 6) there is a change of address.

(Source: Emergency amendment at 21 Ill. Reg. 3265, effective March 1, 1997, for a maximum of 150 days)

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Section 307. APPENDIX B Calculating the Amount of Adoption Assistance  
EMERGENCY

- a) The monthly adoption assistance subsidy shall not exceed \$75 less than the increased foster family placement subsidy for the type of foster care placement in which the child was placed when in foster care immediately prior to finalization of the adoption. The maximum amount of the monthly adoption assistance subsidy will increase whenever the child reaches ages one, five, nine, and 12 (except for sanctualized foster care rates), and whenever a cost of living increase in the foster care rates is granted.
- b) The monthly adoption assistance subsidy shall be reduced based on a graduated income scale starting with the adoptive parents' annual taxable income of \$75,000 (after all deductions have been made on their Federal Income Tax return) in accordance with the chart below.

## Percentage of Full Adoption

## Subsidy Rate:

## Taxable Family Income:

Up to \$74,999	100%
\$75,000 - 79,999	95%
\$80,000 - 84,999	90%
\$85,000 - 89,999	85%
\$90,000 - 94,999	80%
\$95,000 - 99,999	75%
\$100,000 - 104,999	70%
\$105,000 - 109,999	65%
\$110,000 - 114,999	60%
\$115,000 - 119,999	55%
over \$120,000	50%

- c) The monthly adoption assistance subsidy will be reduced by the amount of benefits paid on behalf of the child, such as SSB, SSI, Veterans' Railroad Retirement, Black Lung or when other income is received for the child.

## A. Lifetime Adoption Assistance-Maximum

Determine the lifetime maximum adoption assistance amount for each child being adopted at this time. The calculation is based on the age of the child at the time of adoption and the type of foster care the child is receiving. The maximum should not be adopted because of government benefits such as Social Security, Supplemental Security Income, Veterans' benefits, etc. This figure will serve as the maximum monthly adoption assistance amount that can be paid under the adoption assistance agreement.

## Maximum Standard Rate

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Age-of-Child	Maximum
0-through-11-months	9250-00-per-month
1-through-4-years	9257-00-per-month
5-through-6-years	9312-00-per-month
7-through-10-years	9333-00-per-month
11-through-12-years	9365-00-per-month
Maximum-Intensive-Rate	
Age-of-Child	Maximum
0-through-11-months	9453-00-per-month
1-through-4-years	9461-00-per-month
5-through-6-years	9470-00-per-month
7-through-10-years	9499-00-per-month
11-through-12-years	9529-00-per-month

Maximum-Specialized-Rate--The-maximum-specialized-rate-is--the specialized-foster-care-rate-adjusted-to-Fiscal-Year-1995-dollars minus-935-00.

## B: Determine-the-Monthly-Adoption-Assistance-Components

1r Determine-the-basic-maintenance-floor-for-the-number-of--children being-adopted-at-this-time-(from-B-below):

2r Determine-the--basic--care--standard-(also-from-B-below)-for-the number-of-children-who-will-be-supported-by-the-family-after--the adoption--is--consummated--Subtract-30--per--cent-of-the-annual family-income-divided-by-12--minus--the--standard--deduction-of \$330-00--(Set-amount-to-zero-if-this-component-is-negative):

3r Multiply--the--extraordinary-level-of-care-score-(eight-or-above by-920-00-for-each-level-of-care-point:

4r Total-amounts-in-steps-1r-and-3r

## C: Determine-the-Monthly-Adoption-Assistance-Payments

Determine-which-is-lesser-the-lifetime-adoption--assistance-maximum from-A--above-or--the-total-amount-calculated-in-B--Subtract-any governmental-benefits-the-child-will-continue-to-receive-after--the adoption--from--the--lesser-amount--This-is-the-amount-of-the-monthly adoption-assistance-payment

## B: Standards-for-Monthly-Adoption-Assistance-Components

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Basic-Maintenance-Standard	1	2	3	4	5	6	7	8
N-of-Children	1	2	3	4	5	6	7	8
9	102	201	249	319	379	407	438	469
Basic-Care-Standard								
N-of-Children	1	2	3	4	5	6	7	8
9	337	669	873	1132	1366	1529	1692	1845

(Source: Emergency amendment at 21 Ill. Reg. 3265, effective March 1, 1997, for a maximum of 150 days)



## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

- 1) Heading of the Part: Data Collection
- 2) Code Citation: 77 Ill. Adm. Code 2510
- 3) Section Numbers:

Appendix D	Emergency Action:
Appendix E	Amendment
Appendix F	New
Appendix G	New
Appendix H	New
Appendix I	New
- 4) Statutory Authority: Section 4-4 of Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act (20 ILCS 2215/2-3 and 4-4) and Public Act 89-554
- 5) Effective Date of Amendments: February 27, 1997
- 6) Will this emergency amendment expire before the end of the 150-day period?  
No

7) Date Filed in Agency's Principal Office: February 25, 1997

8) Reason for Emergency: Pursuant to Public Act 89-554, the Council is required to develop and implement a data collection system for gathering outpatient surgical procedures from hospitals and ambulatory surgical treatment centers during a pilot study and a field test that will begin February 25, 1997 and July 15, 1997, respectively.

9) A Complete Description of the Subjects and Issues Involved: The amendments provide for the removal of invalid record expansion information in Appendices D and E. In addition, the amendments provide the agency with authority to collect outpatient surgical data from hospitals and ambulatory surgical treatment centers in a pilot and field test in Appendices F, G, H and I.

10) Are there any other proposed amendments pending on this Part? No

11) Statement of Statewide Policy Objectives: The emergency amendments allow the agency to remove invalid record expansion information and establish outpatient surgical data collection formats for hospitals and ambulatory surgical treatment centers.

12) Time, Place and Manner in Which Interested Persons May Comment on this Rulemaking: Comments may be submitted in writing to:

Norman Roughley  
Supervisor, Health Care Industry Relations

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

Information Services Division  
Illinois Health Care Cost Containment Council  
4500 South Sixth Street Road, Suite 215  
Springfield, IL 62703-5118  
217/786-7001, extension 108

The full text of the Emergency Amendments begins on the next page:

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

TITLE 71: PUBLIC HEALTH  
CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCILPART 2510  
DATA COLLECTION

Section	Purpose
2510.10	Outside Contractor
2510.20	Collection and Submission of Hospital Financial Data
2510.30	Submission of Medicaid Cost Reports
2510.40	Collection of Information on Uniform Billing Form
2510.50	Report of Inpatient Discharges
2510.55	Quarterly Reports
2510.60	Special Studies and Analysis
2510.70	Confidentiality
2510.85	Format of the Financial Data Report
2510.90	Hospital Review

## APPENDIX A Illinois Health Care Cost Containment Council Annual Financial Data Report

APPENDIX B	UB-82 Magnetic Media Record Format
APPENDIX C	UB-82 Uniform Bill Data Fields
APPENDIX D	UB-92 Magnetic Media Record Format

## APPENDIX E UB-92 Uniform Bill Data Fields

APPENDIX F	Ambulatory Surgical Magnetic Media Record Format Option 1/UB92 Form
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## APPENDIX G Ambulatory Surgical Data Fields Option 1/UB92 Form

APPENDIX H	Ambulatory Surgical Magnetic Media Record Format Option 2/4500 Form
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## APPENDIX I Ambulatory Surgical Data Fields Option 2

## APPENDIX J

## EMERGENCY

AUTHORITY: Implementing Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act (20 ILCS 2215/Art. IV and 2-3).

SOURCE: Adopted and codified at 9 Ill. Reg. 12726, effective August 5, 1985; amended at 10 Ill. Reg. 18790, effective October 17, 1986; amended at 11 Ill. Reg. 1574, effective January 2, 1987; amended at 12 Ill. Reg. 6102, effective March 21, 1988; amended at 13 Ill. Reg. 334, effective December 30, 1988; amended at 14 Ill. Reg. 2078, effective January 19, 1990; amended at 16 Ill. Reg. 8980, effective June 3, 1992; emergency amendment at 16 Ill. Reg. 19210, effective November 25, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2031, effective January 29, 1993, for a maximum of 150 days;

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

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amended at 17 Ill. Reg. 9700, effective June 10, 1993; amended at 17 Ill. Reg. 9896, effective June 10, 1993; emergency amendment at 17 Ill. Reg. 14112, effective August 10, 1993, for a maximum of 150 days; emergency expired on January 7, 1994; amended at 18 Ill. Reg. 5300, effective March 21, 1994; emergency amendment at 18 Ill. Reg. 14809, effective September 12, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16810, effective November 4, 1994; amended at 19 Ill. Reg. 1825, effective February 6, 1995; amended at 19 Ill. Reg. 9113, effective June 23, 1995; emergency amendment at 19 Ill. Reg. 15097, effective October 11, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16046, effective November 17, 1995; amended at 20 Ill. Reg. 4727, effective March 6, 1996; emergency amendment at 21 Ill. Reg. 3211, effective February 27, 1997, for a maximum of 150 days.

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

## Section 2510. APPENDIX D UB-92 Magnetic Media Record Format

## EMERGENCY

Beginning August 1997 all hospitals may use the following format for submission to the Council. Beginning November 1997 all hospitals must use this format for submission to the Council.

## HEADER RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION FROM	LENGTH TO	PICTURE	FORMAT
1	Hospital ID Number (Medicaid Provider Number)	1	12	A	
2	Hospital Name	13	52	A	
3	Hospital Street Address	53	92	A	
4	Hospital City	93	112	A	
5	Hospital Zip Code	113	117	A	
6	Contact Person	118	157	A	
7	Telephone Number	158	167	A	(XXXX)XXXX XXXX
8	Period Covered First Day	168	173	6	N
9	Last Day	174	179	6	N
10	Filler	180	944	246	A
			800	621	

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

Beginning August 1997 all hospitals may use the following format for submission to the Council. Beginning November 1997 all hospitals must use this format for submission to the Council.

## LOGICAL RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
1	Patient Date of Birth	14	1	8	8	N
2	Patient Sex	15	9	1	1	A
3a	Patient Zip Code	13	10	14	5	N
3b	ZIP PLUS 4	13	15	18	4	A
4a	1st Individual Payer ID Number	50a	19	27	9	A
4b	2nd Individual Payer ID Number	50b	28	36	9	A
4c	3rd Individual Payer ID Number	50c	37	45	9	A
5	Date of Admission	17	46	51	6	N
6	Source of Admission	20	52	52	1	N
7	Type of Admission	19	53	53	1	N
8a	Type of Bill	4	54	56	3	N
8b	Discharge Date	6	57	62	6	N
9a	Principal Diagnosis	67	63	68	6	A
9b	1st Other Diagnosis	68	69	74	6	A
						Left justify, space fill right no decimal
						Left justify, space fill right no decimal

MMDDYY

Left justify, space fill right

no decimal

Left justify, space fill right

no decimal

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
9c	2nd Other Diagnosis	69	75	80	6 A	Left justify, space fill right no decimal
9d	3rd Other Diagnosis	70	81	86	6 A	Left justify, space fill right no decimal
9e	4th Other Diagnosis	71	87	92	6 A	Left justify, space fill right no decimal
9f	5th Other Diagnosis	72	93	98	6 A	Left justify, space fill right no decimal
9g	6th Other Diagnosis	73	99	104	6 A	Left justify, space fill right no decimal
9h	7th Other Diagnosis	74	105	110	6 A	Left justify, space fill right no decimal
9i	8th Other Diagnosis	75	111	116	6 A	Left justify, space fill right no decimal
10a	Procedure Coding Method Used	79	117	117	1 N	
10b	Principal Procedure	80	118	124	7 A	ICD-9-CM = 99V99bbb
10c	Principal Procedure Date	80	125	130	6 N	MMDDYY
11	Patient Status	22	131	132	2 N	
12a	1st Other Procedure	81a	133	139	7 A	ICD-9-CM = 99V99bbb
12b	1st Other Procedure Date	81a	140	145	6 N	MMDDYY
12c	2nd Other Procedure	81b	146	152	7 A	ICD-9-CM = 99V99bbb

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
12d	2nd Other Procedure Date	81b	153	158	6 N	MMDDYY
12e	3rd Other Procedure	81c	159	165	7 A	ICD-9-CM = 99V99bbb
12f	3rd Other Procedure Date	81c	166	171	6 N	MMDDYY
12g	4th Other Procedure	81d	172	178	7 A	ICD-9-CM = 99V99bbb
12h	4th Other Procedure Date	81d	179	184	6 N	MMDDYY
12i	5th Other Procedure	81e	185	191	7 A	ICD-9-CM = 99V99bbb
12j	5th Other Procedure Date	81e	192	197	6 N	MMDDYY
13a	1st Revenue Code	42a	198	201	4 N	Right justify, zero fill left
13a	Units of Service	46a	202	208	7 N	Right justify, zero fill left
13a	Charges	47a	209	218	10 N	S9/999-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13b	2nd Revenue Code	42b	219	222	4 N	Right justify, zero fill left
13b	Units of Service	46b	223	229	7 N	Right justify, zero fill left
13b	Charges	47b	230	239	10 N	S9/999-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT	DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT	
13c	3rd Revenue Code	42c	240	243	4	N	Right justify, zero fill left	13f	Units of Service	46f	307	313	7	N
13c	Units of Service	46c	244	250	7	N	Right justify, zero fill left	13f	Charges	47f	314	323	10	N
13c	Charges	47c	251	260	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation	13g	7th Revenue Code	42g	324	327	4	N
13d	4th Revenue Code	42d	261	264	4	N	Right justify, zero fill left	13g	Units of Service	46g	328	334	7	N
13d	Units of Service	46d	265	271	7	N	Right justify, zero fill left	13g	Charges	47g	335	344	10	N
13d	Charges	47d	272	281	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation	13h	8th Revenue Code	42h	345	348	4	N
13e	5th Revenue Code	42e	282	285	4	N	Right justify, zero fill left	13h	Units of Service	46h	349	355	7	N
13e	Units of Service	46e	286	292	7	N	Right justify, zero fill left	13h	Charges	47h	356	365	10	N
13e	Charges	47e	293	302	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation	13i	9th Revenue Code	42i	366	369	4	N
13f	6th Revenue Code	42f	303	306	4	N	Right justify, zero fill left	13i	Units of Service	46i	370	376	7	N
							Right justify, zero fill left							

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13f	Units of Service	46f	307	313	7	N
13f	Charges	47f	314	323	10	N
13g	7th Revenue Code	42g	324	327	4	N
13g	Units of Service	46g	328	334	7	N
13g	Charges	47g	335	344	10	N
13h	8th Revenue Code	42h	345	348	4	N
13h	Units of Service	46h	349	355	7	N
13h	Charges	47h	356	365	10	N
13i	9th Revenue Code	42i	366	369	4	N
13i	Units of Service	46i	370	376	7	N

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13i	Charges	47i	377	386	10	N
						\$9(999-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13j	10th Revenue Code	42j	387	390	4	N
						Right justify, zero fill left
13j	Units of Service	46j	391	397	7	N
						Right justify, zero fill left
13j	Charges	47j	398	407	10	N
						\$9(999-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13k	11th Revenue Code	42k	408	411	4	N
						Right justify, zero fill left
13k	Units of Service	46k	412	418	7	N
						Right justify, zero fill left
13k	Charges	47k	419	428	10	N
						\$9(999-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13l	12th Revenue Code	42l	429	432	4	N
						Right justify, zero fill left
13l	Units of Service	46l	433	439	7	N
						Right justify, zero fill left

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13i	Charges	47i	440	449	10	N
						\$9(999-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13m	13th Revenue Code	42m	450	453	4	N
						Right justify, zero fill left
13m	Units of Service	46m	454	460	7	N
						Right justify, zero fill left
13m	Charges	47m	461	470	10	N
						\$9(999-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13n	14th Revenue Code	42n	471	474	4	N
						Right justify, zero fill left
13n	Units of Service	46n	475	481	7	N
						Right justify, zero fill left
13n	Charges	47n	482	491	10	N
						\$9(999-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13o	15th Revenue Code	42o	492	495	4	N
						Right justify, zero fill left
13o	Units of Service	46o	496	502	7	N
						Right justify, zero fill left



## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13o	Charges	47o	503	512	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13p	16th Revenue Code	42p	513	516	4	N
						Right justify, zero fill left
13p	Units of Service	46p	517	523	7	N
						Right justify, zero fill left
13p	Charges	47p	524	533	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13q	17th Revenue Code	42q	534	537	4	N
						Right justify, zero fill left
13q	Units of Service	46q	538	544	7	N
						Right justify, zero fill left
13q	Charges	47q	545	554	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13r	18th Revenue Code	42r	555	558	4	N
						Right justify, zero fill left
13r	Units of Service	46r	559	565	7	N
						Right justify, zero fill left

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
	Charges	47r	566	575	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
	19th Revenue Code	42s	576	579	4	N
						Right justify, zero fill left
	Units of Service	46s	580	586	7	N
						Right justify, zero fill left
	Charges	47s	587	596	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
	20th Revenue Code	42t	597	600	4	N
						Right justify, zero fill left
	Units of Service	46t	601	607	7	N
						Right justify, zero fill left
	Charges	47t	608	617	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
	21st Revenue Code	42u	618	621	4	N
						Right justify, zero fill left
	Units of Service	46u	622	628	7	N
						Right justify, zero fill left

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13u	Charges	47u	629	638	10	N
						S9(8/99)-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13v	22nd Revenue Code	42v	639	642	4	N
13v	Units of Service	46v	643	649	7	N
13v	Charges	47v	650	659	10	N
						S9(8/99)-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13w	23rd Revenue Code	42w	660	663	4	N
13w	Units of Service	46w	664	670	7	N
13w	Charges	47w	671	680	10	N
						S9(8/99)-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
14	Attending Physician ID Number	82	681	690	10	A
15	Hospital ID Number	5	691	702	12	A
16	Patient ID Number	3	703	722	20	A

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
17a	1st Insur Grp Number	62a	723	739	17	A
17b	2nd Insur Grp Number	62b	740	756	17	A
17c	3rd Insur Grp Number	62c	757	773	17	A
18a	Other Physician ID Number	83a	774	783	10	A
18b	Other Physician ID Number	83b	784	793	10	A
19a	1st Condition Code	24	794	795	2	A
19b	2nd Condition Code	25	796	797	2	A
19c	3rd Condition Code	26	798	799	2	A
19d	4th Condition Code	27	800	801	2	A
19e	5th Condition Code	28	802	803	2	A
19f	6th Condition Code	29	804	805	2	A
19g	7th Condition Code	30	806	807	2	A
20a	1st Occurrence Code	32a	808	809	2	A
20b	1st Occurrence Date	32a	810	815	6	N
20c	2nd Occurrence Code	32a	816	817	2	A
20d	2nd Occurrence Date	32a	818	823	6	N
20e	3rd Occurrence Code	32a	824	825	2	A
20f	3rd Occurrence Date	32a	826	831	6	N
20g	4th Occurrence Code	32a	832	833	2	A
20h	4th Occurrence Date	32a	834	839	6	N
20i	5th Occurrence Code	32b	840	841	2	A

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
20j	5th Occurrence Date	32b	842	847	—N	MMDDYY
20k	6th Occurrence Code	32b	848	849	—A	MMDDYY
20l	6th Occurrence Date	32b	850	855	—N	MMDDYY
20m	7th Occurrence Code	34b	856	857	—A	MMDDYY
20n	7th Occurrence Date	34b	858	863	—N	MMDDYY
20o	8th Occurrence Code	35b	864	865	—A	MMDDYY
20p	8th Occurrence Date	35b	866	871	—N	MMDDYY
21a	1st Occurrence Span Code	36a	872	873	—A	MMDDYY
21b	1st Occurrence From Date	36a	874	879	—N	MMDDYY
21c	1st Occurrence Through Date	36a	880	885	—N	MMDDYY
21d	2nd Occurrence Span Code	36b	886	887	—A	MMDDYY
21e	2nd Occurrence From Date	36b	888	893	—N	MMDDYY
21f	2nd Occurrence Through Date	36b	894	899	—N	MMDDYY
	Filler		900	915	—16	Blank Filler
			724	800	7	

## UB-92 Magnetic Media Record Format

Beginning August 1997 all hospitals may use the following format for submission to the Council. Beginning November 1997 all hospitals must use this format for submission to the Council.

## TRAILER RECORD FIELD DESCRIPTION

DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION FROM	LENGTH TO	PICTURE	FORMAT
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## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

1	Hospital ID Number (Medicaid Provider Number)	1	12	12	A
2	Number of Records (Logical Records contained in the file excluding the Header and Trailer Records)	13	17	5	N
3	Filler	18	915	998	A
			800	283	

Blank filler

3277

MAR 04 1997

(Source: Emergency amendment at 21 Ill. Reg. effective \_\_\_\_\_, 1997, for a maximum of 150 days)

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

## NOTICE OF EMERGENCY AMENDMENT(S)

## Section 2510. APPENDIX E UB-92 Uniform Bill Data Fields

## EMERGENCY

## DATA ELEMENT

DATA ELEMENT	Required Field(s)	Requirements
1. Patient date of birth	14	As stated in UB-92 For Illinois manual.
2. Patient Sex	15	As stated in UB-92 For Illinois manual.
3. Patient zip code	13	As stated in UB-92 For Illinois manual.
4. Third-party	50	Illinois Department of Insurance numbers are required for commercial insurers. The Blue Cross codes listed in the UB-92 manual are required for Blue Cross plans. Self-administered plans will be assigned a number upon request as provided in subsection (g) of Section 2510.50 and hospitals are required to use such numbers where applicable in field 50.
5. Date of admission	17	As stated in UB-92 For Illinois manual.
6. Source of admission	20	As stated in UB-92 For Illinois manual.
7. Type of admission	19	As stated in UB-92 For Illinois manual.
8. Type of bill	4	As stated in UB-92 For Illinois manual.
9. Discharge Date	6	As stated in UB-92 For Illinois manual.
10. Principal and up to eight other diagnoses	67-75	As stated in UB-92 For Illinois manual.
11. Principal procedure and date	80	As stated in UB-92 For Illinois manual.
12. Patient status	22	As stated in UB-92 For Illinois manual.
13. Other procedures and dates	81a-e	As stated in UB-92 For Illinois manual.
14. Total charges and components of those charges	42, 46-47	The number of units is required where applicable. Code as stated in UB-92 For Illinois manual.
15. Attending physician ID number	82	Physician's state license number is the

16. Hospital ID number

5

17. Patient Control

3

18. Insured's group

62a-c

19. Other physician ID

83a-b

20. Condition-Code

24-39

21. Occurrence-Code

32a-35b

22. Occurrence-Span

36a-b

23. External-Cause-of Injury-Code-(B-code)

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required ID number. If the attending-physician does not have a valid license number enter the Chief-of-Service--ID- UPIN's are allowed only on Medicare and Medicaid for all claims.

The Medicaid number is the required hospital ID number. Hospitals not participating in Medicaid will be assigned a number as provided in subsection (f) of Section 2510.50.

As stated in UB-92 For Illinois manual. This field may not contain the patient's social security number.

Required where applicable. As stated in UB-92 For Illinois manual.

If applicable and if known the physician's state license number is the required ID number. If the other-physician does not have a valid license number enter the Chief-of-Service--ID- UPIN's are allowed only on Medicare and Medicaid for all claims.

Required where applicable--As stated in UB-92 For Illinois manual.

Required where applicable--As stated in UB-92 For Illinois manual.

Required where applicable--As shown in the UB-92 For Illinois manual--Code may also be entered in element 9b through 9i if entering the code there does

not prevent the entry of other diagnosis codes from the patient record

(Source: Emergency amendment at 21 Ill. Reg. 9277, effective February 27, 1997, for a maximum of 150 days)

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

Section 2510-APPENDIX F Ambulatory Surgical Magnetic Media Record Format  
Option 1/UB92 Form  
EMERGENCY

Public Act 89-554 authorizes the implementation of a pilot study and a field test of the Council's Ambulatory Surgical Data Collection System. All Hospitals and Ambulatory Surgical Treatment Centers in Health Service Area XI are participating in the pilot study. All Hospitals must use the following format for submission to the Council beginning February 27, 1997. Ambulatory Surgical Treatment Centers may use either Option 1/UB92 Form or Option 2/1500 Form depending upon their method of billing. The same submission format will be followed for those Hospitals and Ambulatory Surgical Treatment Centers selected to be part of the field test beginning July 15, 1997.

## HEADER RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION FROM TO	LENGTH	PICTURE	FORMAT
1	MEDICAD ID OR HICCCC ASSIGNED NUMBER	1 12	12	A	
2	PROVIDER NAME	13 52	40	A	LEFT JUSTIFY SPACE FILL RIGHT
3	PROVIDER STREET ADDRESS	53 92	40	A	LEFT JUSTIFY SPACE FILL RIGHT
4	PROVIDER CITY	93 112	20	A	LEFT JUSTIFY SPACE FILL RIGHT
5	PROVIDER ZIP CODE	113 117	5	A	
6	CONTACT PERSON	118 157	40	A	LEFT JUSTIFY SPACE FILL RIGHT
7	TELEPHONE NUMBER	158 167	10	A	XXXXXXXXXX
8	PERIOD COVERED FIRST DAY	168 173	6	N	MMDYY
9	LAST DAY	174 179	6	N	MMDYY
10	SURGICAL SITE ID	180 181	2	N	RIGHT JUSTIFY ZERO FILL LEFT
11	FILLER	182 800	618	A	BLANK FILL

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

## AMBULATORY SURGICAL MAGNETIC MEDIA RECORD FORMAT OPTION 1/UB92 FORM

Public Act 89-554 authorizes the implementation of a pilot study and a field test of the Council's Ambulatory Surgical Data Collection System. All Hospitals and Ambulatory Surgical Treatment Centers in Health Service Area XI are participating in the pilot study. All Hospitals must use the following format for submission to the Council beginning February 27, 1997. Ambulatory Surgical Treatment Centers may use either Option 1/UB92 Form or Option 2/1500 Form depending upon their method of billing. The same submission format will be followed for those Hospitals and Ambulatory Surgical Treatment Centers selected to be part of the field test beginning July 15, 1997.

## LOGICAL RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB92 ITEM	POSITION FROM TO	LENGTH	PICTURE	FORMAT
1	PATIENT DATE OF BIRTH	14 1	8	8	N	MMDDDCCYY
2	PATIENT SEX	15 2	2	1	A	
3a	PATIENT ZIP CODE	13 10	14	5	N	UNKNOWN=0000 FOREIGN=9999
3b	ZIP PLUS 4	11 15	18	4	A	OPTIONAL BLANK FILL IF NO NUMBER
4a	1ST INDIVIDUAL PAYER ID NUMBER	50a 19	27	2	A	LEFT JUSTIFY SPACE FILL RIGHT
4b	2ND INDIVIDUAL PAYER ID NUMBER	50b 28	36	2	A	LEFT JUSTIFY SPACE FILL RIGHT
4c	3RD INDIVIDUAL PAYER ID NUMBER	50c 37	45	2	A	LEFT JUSTIFY SPACE FILL RIGHT
5	DATE OF ADMISSION	17 46	51	6	N	MMDYY
6	SOURCE OF ADMISSION	20 52	52	1	N	
7	TYPE OF ADMISSION	19 53	53	1	N	
8a	TYPE OF BILL	4 54	56	3	N	
8b	DISCHARGE DATE	6 57	62	6	N	MMDYY
9a	PRINCIPAL DIAGNOSIS	67 63	68	6	A	LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL
9b	1ST OTHER DIAGNOSIS	68 69	74	6	A	LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

3a	2ND OTHER DIAGNOSIS	69-75	80	6	Δ	LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL	12a	2ND OTHER PROCEDURE	81a-146	152	7	Δ	ICD-9-CM-99V998; CPT-99999999 LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL OR HYPHEN
3d	3RD OTHER DIAGNOSIS	70-81	86	6	Δ	LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL	12d	2ND OTHER PROCEDURE	81a-153	158	6	N	MADDYY
3e	4TH OTHER DIAGNOSIS	71-87	92	6	Δ	LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL	12e	3RD OTHER PROCEDURE	81a-159	165	7	Δ	ICD-9-CM-99V998; CPT-99999999 LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL OR HYPHEN
3f	5TH OTHER DIAGNOSIS	72-93	98	6	Δ	LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL	12f	3RD OTHER PROCEDURE	81a-166	171	6	N	MADDYY
3g	6TH OTHER DIAGNOSIS	73-99	104	6	Δ	LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL	12g	4TH OTHER PROCEDURE	81a-172	178	7	Δ	ICD-9-CM-99V998; CPT-99999999 LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL OR HYPHEN
3h	7TH OTHER DIAGNOSIS	74-105	110	6	Δ	LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL	12h	4TH OTHER PROCEDURE	81a-179	184	6	N	MADDYY
3i	8TH OTHER DIAGNOSIS	75-111	116	6	Δ	LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL	12i	5TH OTHER PROCEDURE	81a-185	191	7	Δ	ICD-9-CM-99V998; CPT-99999999 LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL OR HYPHEN
10a	PROCEDURE CODING METHOD USED	79-117	117	1	N	USE 9 FOR ICD-9 CM PROC. USE 8 FOR CPT PROC.	12j	5TH OTHER PROCEDURE	81a-192	197	6	N	MADDYY
10b	PRINCIPAL PROCEDURE	80-118	124	7	Δ	ICD-9-CM-99V998; CPT-99999999 LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL OR HYPHEN	13a	1ST REVENUE CODE	47a-198	201	4	N	RIGHT JUSTIFY ZERO FILL LEFT
10c	PRINCIPAL PROCEDURE	80-125	130	6	N	MADDYY	13d	UNITS OF SERVICE	46a-202	208	7	N	RIGHT JUSTIFY ZERO FILL LEFT
11	PATIENT STATUS	22-131	132	2	N	RIGHT JUSTIFY ZERO FILL LEFT	13e	CHARGES	47a-209	218	10	N	S84V999 MAY BE NEGATIVE CREDIT RIGHT JUSTIFY ZERO FILL LEFT WHEN INCLUDING SIGN USE ZONED DECIMAL REPRESENTATION
12a	1ST OTHER PROCEDURE	81a-133	139	7	Δ	ICD-9-CM-99V998; CPT-99999999 LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL OR HYPHEN	13b	2ND REVENUE CODE	42a-219	222	4	N	RIGHT JUSTIFY ZERO FILL LEFT
12b	1ST OTHER PROCEDURE	81a-140	145	6	N	MADDYY	14b	UNITS OF SERVICE	46b-221	229	7	N	RIGHT JUSTIFY ZERO FILL LEFT

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

12c	2ND OTHER PROCEDURE	81a-146	152	7	Δ	ICD-9-CM-99V998; CPT-99999999 LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL OR HYPHEN
12d	2ND OTHER PROCEDURE	81a-153	158	6	N	MADDYY
12e	3RD OTHER PROCEDURE	81a-159	165	7	Δ	ICD-9-CM-99V998; CPT-99999999 LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL OR HYPHEN
12f	3RD OTHER PROCEDURE	81a-166	171	6	N	MADDYY
12g	4TH OTHER PROCEDURE	81a-172	178	7	Δ	ICD-9-CM-99V998; CPT-99999999 LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL OR HYPHEN
12h	4TH OTHER PROCEDURE	81a-179	184	6	N	MADDYY
12i	5TH OTHER PROCEDURE	81a-185	191	7	Δ	ICD-9-CM-99V998; CPT-99999999 LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL OR HYPHEN
12j	5TH OTHER PROCEDURE	81a-192	197	6	N	MADDYY
13a	1ST REVENUE CODE	47a-198	201	4	N	RIGHT JUSTIFY ZERO FILL LEFT
13d	UNITS OF SERVICE	46a-202	208	7	N	RIGHT JUSTIFY ZERO FILL LEFT
13e	CHARGES	47a-209	218	10	N	S84V999 MAY BE NEGATIVE CREDIT RIGHT JUSTIFY ZERO FILL LEFT WHEN INCLUDING SIGN USE ZONED DECIMAL REPRESENTATION
13b	2ND REVENUE CODE	42a-219	222	4	N	RIGHT JUSTIFY ZERO FILL LEFT
14b	UNITS OF SERVICE	46b-221	229	7	N	RIGHT JUSTIFY ZERO FILL LEFT



## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT (S)

13b	CHARGES	47c_230	232	10	N	S981V99. MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY ZERO. FILL LEFT WHEN INCLUDING SIGN. USE ZONED DECIMAL REPRESENTATION	13f	6TH REVENUE CODE	42f_303	306	4	N	RIGHT JUSTIFY. ZERO FILL LEFT
13c	3RD REVENUE CODE	42c_240	243	4	N	RIGHT JUSTIFY. ZERO FILL LEFT	14f	UNITS OF SERVICE	46f_307	313	7	N	RIGHT JUSTIFY. ZERO FILL LEFT
14c	UNITS OF SERVICE	46c_244	250	7	N	RIGHT JUSTIFY. ZERO FILL LEFT	15f	CHARGES	47f_314	323	10	N	S981V99. MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY ZERO. FILL LEFT WHEN INCLUDING SIGN. USE ZONED DECIMAL REPRESENTATION
15c	CHARGES	47c_251	260	10	N	S981V99. MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY ZERO. FILL LEFT WHEN INCLUDING SIGN. USE ZONED DECIMAL REPRESENTATION	13g	7TH REVENUE CODE	42g_324	327	4	N	RIGHT JUSTIFY. ZERO FILL LEFT
13d	4TH REVENUE CODE	42c_261	264	4	N	RIGHT JUSTIFY. ZERO FILL LEFT	14g	UNITS OF SERVICE	46g_328	334	7	N	RIGHT JUSTIFY. ZERO FILL LEFT
14d	UNITS OF SERVICE	46d_265	271	7	N	RIGHT JUSTIFY. ZERO FILL LEFT	15g	CHARGES	47g_335	344	10	N	S981V99. MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY ZERO. FILL LEFT WHEN INCLUDING SIGN. USE ZONED DECIMAL REPRESENTATION
15d	CHARGES	47d_272	281	10	N	S981V99. MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY ZERO. FILL LEFT WHEN INCLUDING SIGN. USE ZONED DECIMAL REPRESENTATION	13h	8TH REVENUE CODE	42h_345	348	4	N	RIGHT JUSTIFY. ZERO FILL LEFT
13e	5TH REVENUE CODE	42c_282	285	4	N	RIGHT JUSTIFY. ZERO FILL LEFT	14h	UNITS OF SERVICE	46h_349	355	7	N	RIGHT JUSTIFY. ZERO FILL LEFT
14e	UNITS OF SERVICE	46c_286	292	7	N	RIGHT JUSTIFY. ZERO FILL LEFT	15h	CHARGES	47h_356	365	10	N	S981V99. MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY ZERO. FILL LEFT WHEN INCLUDING SIGN. USE ZONED DECIMAL REPRESENTATION
15e	CHARGES	47c_293	302	10	N	S981V99. MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY ZERO. FILL LEFT WHEN INCLUDING SIGN. USE ZONED DECIMAL REPRESENTATION	13i	9TH REVENUE CODE	42i_366	369	4	N	RIGHT JUSTIFY. ZERO FILL LEFT
							14i	UNITS OF SERVICE	46i_370	376	7	N	RIGHT JUSTIFY. ZERO FILL LEFT

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT (S)

13f	6TH REVENUE CODE	42f_303	306	4	N	RIGHT JUSTIFY. ZERO FILL LEFT
14f	UNITS OF SERVICE	46f_307	313	7	N	RIGHT JUSTIFY. ZERO FILL LEFT
15f	CHARGES	47f_314	323	10	N	S981V99. MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY ZERO. FILL LEFT WHEN INCLUDING SIGN. USE ZONED DECIMAL REPRESENTATION
13g	7TH REVENUE CODE	42g_324	327	4	N	RIGHT JUSTIFY. ZERO FILL LEFT
14g	UNITS OF SERVICE	46g_328	334	7	N	RIGHT JUSTIFY. ZERO FILL LEFT
15g	CHARGES	47g_335	344	10	N	S981V99. MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY ZERO. FILL LEFT WHEN INCLUDING SIGN. USE ZONED DECIMAL REPRESENTATION
13h	8TH REVENUE CODE	42h_345	348	4	N	RIGHT JUSTIFY. ZERO FILL LEFT
14h	UNITS OF SERVICE	46h_349	355	7	N	RIGHT JUSTIFY. ZERO FILL LEFT
15h	CHARGES	47h_356	365	10	N	S981V99. MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY ZERO. FILL LEFT WHEN INCLUDING SIGN. USE ZONED DECIMAL REPRESENTATION
13i	9TH REVENUE CODE	42i_366	369	4	N	RIGHT JUSTIFY. ZERO FILL LEFT
14i	UNITS OF SERVICE	46i_370	376	7	N	RIGHT JUSTIFY. ZERO FILL LEFT

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

13j	CHARGES	431 377 386 10	N	\$981V99 - MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY ZERO FILL LEFT WHEN INCLUDING SIGN. USE ZONED DECIMAL REPRESENTATION	13m	13TH REVENUE CODE	42m 450 453 4	N	RIGHT JUSTIFY ZERO FILL LEFT
13k	10TH REVENUE CODE	42k 387 390 4	N	RIGHT JUSTIFY ZERO FILL LEFT	14m	UNITS OF SERVICE	46m 454 460 7	N	RIGHT JUSTIFY ZERO FILL LEFT
14j	UNITS OF SERVICE	46k 391 397 7	N	RIGHT JUSTIFY ZERO FILL LEFT	15m	CHARGES	47m 461 470 10	N	\$981V99 - MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY ZERO FILL LEFT WHEN INCLUDING SIGN. USE ZONED DECIMAL REPRESENTATION
15j	CHARGES	47k 398 407 10	N	\$981V99 - MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY ZERO FILL LEFT WHEN INCLUDING SIGN. USE ZONED DECIMAL REPRESENTATION	13n	14TH REVENUE CODE	42n 471 474 4	N	RIGHT JUSTIFY ZERO FILL LEFT
13k	11TH REVENUE CODE	42k 408 411 4	N	RIGHT JUSTIFY ZERO FILL LEFT	14n	UNITS OF SERVICE	46n 475 481 7	N	RIGHT JUSTIFY ZERO FILL LEFT
14k	UNITS OF SERVICE	46k 412 418 7	N	RIGHT JUSTIFY ZERO FILL LEFT	15n	CHARGES	47n 482 491 10	N	\$981V99 - MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY ZERO FILL LEFT WHEN INCLUDING SIGN. USE ZONED DECIMAL REPRESENTATION
15k	CHARGES	47k 412 428 10	N	\$981V99 - MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY ZERO FILL LEFT WHEN INCLUDING SIGN. USE ZONED DECIMAL REPRESENTATION	13o	15TH REVENUE CODE	42o 492 495 4	N	RIGHT JUSTIFY ZERO FILL LEFT
13l	12TH REVENUE CODE	42k 429 432 4	N	RIGHT JUSTIFY ZERO FILL LEFT	14o	UNITS OF SERVICE	46o 496 502 7	N	RIGHT JUSTIFY ZERO FILL LEFT
14l	UNITS OF SERVICE	46k 433 439 7	N	RIGHT JUSTIFY ZERO FILL LEFT	15o	CHARGES	47o 503 512 10	N	\$981V99 - MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY ZERO FILL LEFT WHEN INCLUDING SIGN. USE ZONED DECIMAL REPRESENTATION
15l	CHARGES	47k 440 449 10	N	\$981V99 - MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY ZERO FILL LEFT WHEN INCLUDING SIGN. USE ZONED DECIMAL REPRESENTATION	13p	16TH REVENUE CODE	42p 513 516 4	N	RIGHT JUSTIFY ZERO FILL LEFT
					14p	UNITS OF SERVICE	46p 517 523 7	N	RIGHT JUSTIFY ZERO FILL LEFT

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

13m	13TH REVENUE CODE	42m 450 453 4	N	RIGHT JUSTIFY ZERO FILL LEFT
14m	UNITS OF SERVICE	46m 454 460 7	N	RIGHT JUSTIFY ZERO FILL LEFT
15m	CHARGES	47m 461 470 10	N	\$981V99 - MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY ZERO FILL LEFT WHEN INCLUDING SIGN. USE ZONED DECIMAL REPRESENTATION
13n	14TH REVENUE CODE	42n 471 474 4	N	RIGHT JUSTIFY ZERO FILL LEFT
14n	UNITS OF SERVICE	46n 475 481 7	N	RIGHT JUSTIFY ZERO FILL LEFT
15n	CHARGES	47n 482 491 10	N	\$981V99 - MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY ZERO FILL LEFT WHEN INCLUDING SIGN. USE ZONED DECIMAL REPRESENTATION
13o	15TH REVENUE CODE	42o 492 495 4	N	RIGHT JUSTIFY ZERO FILL LEFT
14o	UNITS OF SERVICE	46o 496 502 7	N	RIGHT JUSTIFY ZERO FILL LEFT
15o	CHARGES	47o 503 512 10	N	\$981V99 - MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY ZERO FILL LEFT WHEN INCLUDING SIGN. USE ZONED DECIMAL REPRESENTATION
13p	16TH REVENUE CODE	42p 513 516 4	N	RIGHT JUSTIFY ZERO FILL LEFT
14p	UNITS OF SERVICE	46p 517 523 7	N	RIGHT JUSTIFY ZERO FILL LEFT

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

13b	CHARGES	47b 524	533	10	N	\$98V99. MAY BE NEGATIVE (CREDIT, RIGHT JUSTIFY, ZERO FILL LEFT, WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION	RIGHT JUSTIFY, ZERO FILL LEFT
13a	17TH REVENUE CODE	42a 534	537	4	N	RIGHT JUSTIFY, ZERO FILL LEFT	RIGHT JUSTIFY, ZERO FILL LEFT
14a	UNITS OF SERVICE	46a 538	544	7	N	RIGHT JUSTIFY, ZERO FILL LEFT	RIGHT JUSTIFY, ZERO FILL LEFT
15a	CHARGES	47a 545	554	10	N	\$98V99. MAY BE NEGATIVE (CREDIT, RIGHT JUSTIFY, ZERO FILL LEFT, WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION	RIGHT JUSTIFY, ZERO FILL LEFT
13c	18TH REVENUE CODE	42c 555	558	4	N	RIGHT JUSTIFY, ZERO FILL LEFT	RIGHT JUSTIFY, ZERO FILL LEFT
14c	UNITS OF SERVICE	46c 559	565	7	N	RIGHT JUSTIFY, ZERO FILL	RIGHT JUSTIFY, ZERO FILL LEFT
15c	CHARGES	47c 566	575	10	N	\$98V99. MAY BE NEGATIVE (CREDIT, RIGHT JUSTIFY, ZERO FILL LEFT, WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION	RIGHT JUSTIFY, ZERO FILL LEFT
13d	19TH REVENUE CODE	42d 576	579	4	N	RIGHT JUSTIFY, ZERO FILL LEFT	RIGHT JUSTIFY, ZERO FILL LEFT
14d	UNITS OF SERVICE	46d 580	586	7	N	RIGHT JUSTIFY, ZERO FILL LEFT	RIGHT JUSTIFY, ZERO FILL LEFT
15d	CHARGES	47d 587	596	10	N	\$98V99. MAY BE NEGATIVE (CREDIT, RIGHT JUSTIFY, ZERO FILL LEFT, WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION	RIGHT JUSTIFY, ZERO FILL LEFT

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

13i	20TH REVENUE CODE	42i 597	600	4	N	RIGHT JUSTIFY, ZERO FILL LEFT	RIGHT JUSTIFY, ZERO FILL LEFT
14i	UNITS OF SERVICE	46i 601	607	7	N	RIGHT JUSTIFY, ZERO FILL LEFT	RIGHT JUSTIFY, ZERO FILL LEFT
15i	CHARGES	47i 608	617	10	N	\$98V99. MAY BE NEGATIVE (CREDIT, RIGHT JUSTIFY, ZERO FILL LEFT, WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION	RIGHT JUSTIFY, ZERO FILL LEFT
13j	21ST REVENUE CODE	42j 618	621	4	N	RIGHT JUSTIFY, ZERO FILL LEFT	RIGHT JUSTIFY, ZERO FILL LEFT
14j	UNITS OF SERVICE	46j 622	628	7	N	RIGHT JUSTIFY, ZERO FILL LEFT	RIGHT JUSTIFY, ZERO FILL LEFT
15j	CHARGES	47j 629	638	10	N	\$98V99. MAY BE NEGATIVE (CREDIT, RIGHT JUSTIFY, ZERO FILL LEFT, WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION	RIGHT JUSTIFY, ZERO FILL LEFT
13k	22ND REVENUE CODE	42k 639	642	4	N	RIGHT JUSTIFY, ZERO FILL LEFT	RIGHT JUSTIFY, ZERO FILL LEFT
14k	UNITS OF SERVICE	46k 643	649	7	N	RIGHT JUSTIFY, ZERO FILL LEFT	RIGHT JUSTIFY, ZERO FILL LEFT
15k	CHARGES	47k 650	659	10	N	\$98V99. MAY BE NEGATIVE (CREDIT, RIGHT JUSTIFY, ZERO FILL LEFT, WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION	RIGHT JUSTIFY, ZERO FILL LEFT
13l	23RD REVENUE CODE	42l 660	663	4	N	RIGHT JUSTIFY, ZERO FILL LEFT	RIGHT JUSTIFY, ZERO FILL LEFT
14l	UNITS OF SERVICE	46l 664	670	7	N	RIGHT JUSTIFY, ZERO FILL LEFT	RIGHT JUSTIFY, ZERO FILL LEFT
15l	CHARGES	47l 671	680	10	N	\$98V99. MAY BE NEGATIVE (CREDIT, RIGHT JUSTIFY, ZERO	RIGHT JUSTIFY, ZERO

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

FILL LEFT WHEN  
INCLUDING SIGN.  
USE ZONED  
DECIMAL  
REPRESENTATION

16 ATTENDING PHYSICIAN \$2 681 650 10 Δ LEFT JUSTIFY.  
ID NUMBER SPACE FILL RIGHT

17 MEDICAID ID OR HC/CDC 5 691 702 12 Δ LEFT JUSTIFY.  
ASSIGNED NUMBER SPACE FILL RIGHT

18 PATIENT ID NUMBER 1 703 722 20 Δ LEFT JUSTIFY.  
SPACE FILL RIGHT

19a 1ST INSUR GRP NUMBER 62a 733 732 17 Δ LEFT JUSTIFY.  
SPACE FILL RIGHT

19b 2ND INSUR GRP NUMBER 62b 740 736 17 Δ LEFT JUSTIFY.  
SPACE FILL RIGHT

19c 3RD INSUR GRP NUMBER 62c 737 773 17 Δ LEFT JUSTIFY.  
SPACE FILL RIGHT

20a OTHER PHYSICIAN 83a 774 783 10 Δ LEFT JUSTIFY.  
ID NUMBER SPACE FILL RIGHT

20b OTHER PHYSICIAN 83b 784 793 10 Δ LEFT JUSTIFY.  
SPACE FILL RIGHT

21 SURGICAL SITE ID 794 795 2 N RIGHT JUSTIFY.  
ZERO FILL LEFT

22 FILLER 796 800 5 Δ BLANK FILLER

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

## AMBULATORY SURGICAL MAGNETIC MEDIA RECORD FORMAT OPTION 1/UB92 FORM

Public Act 89-554 authorizes the implementation of a pilot study and a field test of the Council's Ambulatory Surgical Data Collection System. All Hospitals and Ambulatory Surgical Treatment Centers in Health Service Area XI are participating in the pilot study. All Hospitals must use the following format for submission to the Council beginning February 27, 1997. Ambulatory Surgical Treatment Centers may use either Option 1/UB92 Form or Option 2/1500 Form depending upon their method of billing. The same submission format will be followed for those Hospitals and Ambulatory Surgical Treatment Centers selected to be part of the field test beginning July 15, 1997.

## TRAILER RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION FROM TO	LENGTH	PICTURE	FORMAT
1	MEDICAID ID NUMBER	1 12	12	Δ	
2	NUMBER OF RECORDS LOGICAL RECORDS IN THE FILE EXCLUDING THE HEADER AND TRAILER RECORDS	13 17	5	N	RIGHT JUSTIFY. ZERO FILL LEFT
3	SURGICAL SITE ID	18 19	2	N	RIGHT JUSTIFY. ZERO FILL LEFT
4	FILLER	20 800	781	Δ	BLANK FILL

(Source: Emergency amendment at 21 Ill. Reg.  
February 27, 1997, for a maximum of 150 days)

3277 = \_\_\_\_\_, effective

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

Section 2510.APPENDIX G Ambulatory Surgical Data Fields Option 1/0912 Force  
EMERGENCY

DATA ELEMENT	ELEMENT DESCRIPTION	REQUIRED FIELD(S) REQUIREMENTS
1	Patient Date of Birth	As stated in the Council's Provider Manual.
2	Patient Sex	As stated in the Council's Provider Manual.
3a-3b	Patient Zip Code	As stated in the Council's Provider Manual.
4a-4c	Individual Payer ID Number	Illinois Department of Insurance numbers are required for commercial insurers. The three digit Blue Cross codes that are in the Council's Provider Manual are required for Blue Cross plans. Self-administered plans will be assigned a number upon request, as provided in Section 2510.50(g) and the use of these codes is required where applicable.
5	Date of Admission	As stated in the Council's Provider Manual.
6	Source of Admission	As stated in the Council's Provider Manual.
7	Type of Admission	As stated in the Council's Provider Manual.
8a	Type of Bill	As stated in the Council's Provider Manual.
8b	Discharge Date	As stated in the Council's Provider Manual.
9a-9i	Principal Diagnosis and Up to Eight Other Diagnosis Codes	As stated in the Council's Provider Manual.
10a	Principal Procedure Coding Method Used	As stated in the Council's Provider Manual.

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

10b	Principal Procedure	As stated in the Council's Provider Manual.
10c	Principal Procedure Date	As stated in the Council's Provider Manual.
11	Patient Status	As stated in the Council's Provider Manual.
12a-12i	Other Procedures and Dates	As stated in the Council's Provider Manual.
13a-13w	Revenue Codes	As stated in the Council's Provider Manual.
14a-14w	Units	As stated in the Council's Provider Manual.
15a-15w	Charges	As stated in the Council's Provider Manual.
16	Attending Physician ID Number	Physician's state license number is the required ID number. UPIN's are allowed for all claims.
17	Provider ID Number	The Medicaid number is the required provider ID number. Providers not participating in Medicaid will be assigned an ID number, as provided in Section 2510.50(f).
18	Patient ID Number	As stated in the Council's Provider Manual. This field may not contain the patient's social security number.
19a-19c	Insurance Group Number	As stated in the Council's Provider Manual. Required where applicable.
20a-20b	Other Physician ID Number	If applicable, and if known, the physician's state license number is the required ID number. If the other physician does not have a valid license number, enter the Chief of Service's ID number. UPIN's are allowed for all claims.
21	Surgical Site ID Number	As assigned by the Council.









## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

- 2b Referring Physician If applicable, and if known, the physician's state license number is the required ID number. UPIN's are allowed for all claims.
- 10 Total charges As stated in the Council's Provider Manual.
- 11a-11f From Procedure Date As stated in the Council's Provider Manual.
- 12a-12f Thru Procedure Date As stated in the Council's Provider Manual.
- 13a-13f Procedures As stated in the Council's Provider Manual.
- 14a-14f Diagnostics Codes As stated in the Council's Provider Manual.
- 15a-15f Charges As stated in the Council's Provider Manual.
- 16a-16f Units As stated in the Council's Provider Manual.
- 17 Type of Bill As stated in the Council's Provider Manual.
- 18 Surgical Site ID Number As assigned by the Council.
- 19 Type of Admission As stated in the Council's Provider Manual.
- 20 Source of Admission As stated in the Council's Provider Manual.
- 21 Discharge Status As stated in the Council's Provider Manual.
- 22 Filler As stated in the Council's Provider Manual.

(Source: Emergency amendment at 21 Ill. Reg. 327.0, effective February 27, 1997, for a maximum of 150 days)

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

- 1) Heading of the Part: Hospital Price Information
- 2) Code Citation: 77 Ill. Adm. Code 2530
- 3) Section Numbers: 2530-40  
Amendment 2530.50  
Proposed Action: New
- 4) Statutory Authority: Section 4-4 of Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act (20 ILCS 2215/2-3 and 4-4) and Public Act 89-554
- 5) Effective Date of Amendment: February 27, 1997
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it will expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: February 25, 1997
- 8) Reason for Emergency: Pursuant to Public Act 89-554, the Council is required to develop and implement a data collection system for gathering outpatient surgical procedures from hospitals and ambulatory surgical treatment centers during a pilot study and a field test that will begin February 25, 1997 and July 15, 1997, respectively.
- 9) A Complete Description of the Subjects and Issues Involved: The emergency amendments provide the agency with authority to collect outpatient surgical data from hospitals and ambulatory surgical treatment centers. It also permits the agency, upon annual recommendation of its technical advisory group, to change the list of outpatient surgical procedures to be surveyed.
- 10) Are there any proposed amendments to this Part pending? No
- 11) Statement of Statewide Policy Objectives: The emergency amendments allow the agency to disseminate hospital and ambulatory surgical treatment center prices during the year in which they were reported. The amendments also assist the agency in monitoring health care prices more effectively by allowing annual revisions to the list of surgical procedures to be surveyed.
- 12) Information and questions regarding these amendments shall be directed to:

Name: Norman Roughley  
Address: Supervisor, Health Care Industry Relations  
Information Services Division  
Illinois Health Care Cost Containment Council  
4500 South Sixth Street Road, Suite 215  
Springfield, Illinois 62703-5118

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

## NOTICE OF EMERGENCY AMENDMENT(S)

The full text of the emergency amendments begins on the next page:

## TITLE 77: PUBLIC HEALTH

## CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## PART 2530

## HOSPITAL PRICE INFORMATION

## Section

2530.10

Price Information

2530.20

Posting Price Information

2530.30

Size and Place of Posting

2530.40

Reporting Information

## EMERGENCY

## 2530.30

## Outpatient Surgical Reporting Information Surveys

## EMERGENCY

## APPENDIX A

## Report of Current Charges for Outpatient Services

## APPENDIX B

## Procedures (Repealed)

AUTHORITY: Implementing Section 4-4 of Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/4-4 and 2-3].

SOURCE: Adopted at 9 Ill. Reg. 12764, effective August 5, 1985; amended at 12 Ill. Reg. 20089, effective November 21, 1988; amended at 15 Ill. Reg. 14821, effective January 19, 1991; emergency amendment at 17 Ill. Reg. 14177, effective August 10, 1993, for a maximum of 150 days; emergency amendment at 18 Ill. Reg. 5343, effective March 21, 1994; amended at 19 Ill. Reg. 12478, effective August 21, 1995; emergency amendment at 21 Ill. Reg. ~~3216~~, effective February 27, 1997, for a maximum of 150 days.

## Section 2530.40 Reporting Information

## EMERGENCY

Hospitals shall notify the Council annually of the prices posted pursuant to Section 2530.20 of this Part. Additionally, hospitals shall report the prices of those inpatient and outpatient services and procedures identified by the Council as well as the number of available beds on December 31 of the previous current calendar year, the number of inpatient days provided in the previous calendar year, and the total inpatient revenues and the total outpatient revenues for the twelve months ending June 30 of the current calendar year. The information required to be submitted pursuant to this Part shall be submitted on a survey form provided (with the accompanying instructions) to the hospital by the Council. The information shall be submitted by February 28 of the current calendar year. The Council shall designate a committee to annually review the inpatient and outpatient services and procedures reported by hospitals. The committee shall make annual recommendations prior to October 1 May 1 to the Council regarding the reporting

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF EMERGENCY AMENDMENT(S)

of the most relevant inpatient and outpatient services and procedures to be collected and disseminated in the current year. The Council may designate additional inpatient and outpatient services and procedures, or may delete specific inpatient and outpatient services and procedures, to be reported.

(Source: Emergency amendment at 21 Ill. Reg. \_\_\_\_\_, effective February 27, 1997, for a maximum of 150 days)

Section 2530.50 Outpatient Surgical Reporting Information SurveysEMERGENCY

For the implementation of the pilot study as authorized in Public Act 89-554, Hospitals and Ambulatory Surgical Treatment Centers in Health Service Area XI shall report the prices of those outpatient surgical procedures identified by the Council for the twelve months ending December 31, 1996. The information required to be submitted pursuant to this Part shall be submitted on a survey form provided with the accompanying instructions to hospitals and ambulatory surgical treatment centers. The completed survey shall be returned to the Council by April 15, 1997.

(Source: Emergency amendment at 21 Ill. Reg. 3218, effective February 27, 1997, for a maximum of 150 days)

## POLLUTION CONTROL BOARD

## REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Effluent Standards
- 2) Code Citation: 35 Ill. Adm. Code 304
- 3) Section Numbers:  
Heading on Part 304
- 4) Date Proposal Published in Illinois Register: August 16, 1996, 20 Ill. Reg. 10760
- 5) Date Adoption Published in Illinois Register: January 3, 1997, 21 Ill. Reg. 364
- 6) Summary and Purpose of Expedited Correction: At the request of the Joint Committee on Administrative Rules (JOAR) to correct the Heading format on Part 304 by adding the Subtitle and Chapter information.
- 7) Information and questions regarding this request shall be directed to:

Name: Diane O'Neill

Address: Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
Telephone: 312/614-6062

## POLLUTION CONTROL BOARD

## REQUEST FOR EXPEDITED CORRECTION

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE C: WATER POLLUTION

## CHAPTER 11: POLLUTION CONTROL BOARD

## PART 304

## EFFLUENT STANDARDS

## SUBPART A: GENERAL EFFLUENT STANDARDS

Section	Preamble
304.101	Dilution
304.102	Dilution
304.103	Background Concentrations
304.104	Averaging
304.105	Violation of Water Quality Standards
304.106	Offensive Discharges
304.120	Deoxygenating Wastes
304.121	Bacteria
304.122	Total Ammonia Nitrogen (as N: STORET number 00610)
304.123	Phosphorus (STORET number 00665)
304.124	Additional Contaminants
304.125	pH
304.126	Mercury
304.140	Delays in Upgrading (Repealed)
304.141	NPDES Effluent Standards
304.142	New Source Performance Standards (Repealed)

## SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section	Wastewater Treatment Plant Discharges of The Metropolitan Water Reclamation District of Greater Chicago
304.201	Chlor-alkali Mercury Discharge, St. Clair County
304.202	Copper Discharges by Olin Corporation
304.203	Schenberger Creek: Groundwater Discharges
304.204	John Deere Foundry Discharges
304.205	Alton Water Company Treatment Plant Discharges
304.206	Galesburg Sanitary District Deoxygenating Wastes Discharges
304.207	City of Lockport Treatment Plant Discharges
304.208	Wood River Station Total Suspended Solids Discharges
304.209	Alton Wastewater Treatment Plant Discharges
304.210	Discharges From Borden Chemicals and Plastics Operating Limited Partnership Into an Unnamed Tributary of Long Point Slough
304.211	Sanitary District of Decatur Discharges
304.212	UNION-VEN Refinery Ammonia Discharge
304.213	MOBIL Oil Refinery Ammonia Discharge
304.214	City of Tuscola Wastewater Treatment Facility Discharges
304.215	

## POLLUTION CONTROL BOARD

## REQUEST FOR EXPEDITED CORRECTION

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE C: WATER POLLUTION

## CHAPTER 11: POLLUTION CONTROL BOARD

## PART 304

## EFFLUENT STANDARDS

## SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section	Newton Station Suspended Solids Discharges
304.216	City of Pana Phosphorus Discharge
304.218	North Shore Sanitary District Phosphorus Discharges
304.219	East St. Louis Treatment Facility, Illinois-American Water Company
304.220	Ringwood Dr. Manufacturing Facility in McHenry County
304.222	Intermittent Discharge of TBC

## APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/13 and 27).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 130, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 13197, effective January 21, 1985; amended at 9 Ill. Reg. 4310, effective March 24, 1985; preliminary amendment at effective January 26, 1986; amended at 12 Ill. Reg. 7231, effective April 3, 1987; amended at 12 Ill. Reg. 14748, effective January 15, 1988; amended at 12 Ill. Reg. 14748, effective January 15, 1988; amended at 12 Ill. Reg. 8659, effective May 10, 1988; amended at 12 Ill. Reg. 10712, effective June 9, 1988; amended at 12 Ill. Reg. 13966, effective August 23, 1988; amended at 12 Ill. Reg. 20126, effective November 16, 1988; amended at 13 Ill. Reg. 851, effective January 6, 1989; amended at 13 Ill. Reg. 5976, effective April 18, 1989; amended at 13 Ill. Reg. 7754, effective May 4, 1989; amended at 13 Ill. Reg. 8880, effective May 26, 1989; amended at 14 Ill. Reg. 6777, effective April 24, 1990; amended at 14 Ill. Reg. 9437, effective May



## POLLUTION CONTROL BOARD

## REQUEST FOR EXPEDITED CORRECTION

31, 1990; amended in R88-21(B) at 14 Ill. Reg. 12538, effective July 18, 1990; amended in R84-44 at 14 Ill. Reg. 20719, effective December 11, 1990; amended in R86-14 at 15 Ill. Reg. 241, effective December 18, 1990; amended in R93-8 at 18 Ill. Reg. 267, effective December 23, 1993; amended in R87-33 at 18 Ill. Reg. 11574, effective July 7, 1994; amended in R95-14 at 20 Ill. Reg. 3528, effective February 8, 1996; amended in R94-1(B) at 21 Ill. Reg. 364, effective December 23, 1996; expedited correction at 21 Ill. Reg. ~~3222~~, effective December 23, 1996.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

## POLLUTION CONTROL BOARD

## REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 302
- 3) Section Numbers:  
302.209
- 4) Date Proposal Published in Illinois Register: August 9, 1996, 20 Ill. Reg. 10539
- 5) Date Addition Published in Illinois Register: January 3, 1997, 21 Ill. Reg. 370
- 6) Summary and Purpose of Expedited Correction: At the request of the Joint Committee on Administrative Rules (JCAR) to correct the omission of Section 302.209 "Fecal Coliform" from the Table of Contents.
- 7) Information and questions regarding this request shall be directed to:

Name: Diane O'Neill

Address: Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
Telephone: 312/814-6062

## POLLUTION CONTROL BOARD

## REQUEST FOR EXPEDITED CORRECTION

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE C: WATER POLLUTION

## CHAPTER 1: POLLUTION CONTROL BOARD

## PART 302

## WATER QUALITY STANDARDS

## SUBPART A: GENERAL WATER QUALITY PROVISIONS

Section  
302.100  
302.101  
302.102  
302.103  
302.104  
302.105

Definitions  
Scope and Applicability  
Allowed Mixing, Mixing Zones and ZIDs  
Stream Flows  
Main River Temperatures  
Nondegradation

## SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section  
302.201  
302.202  
302.203  
302.204  
302.205  
302.206  
302.207  
302.208  
302.209  
302.210  
302.211  
302.212  
302.213

Scope and Applicability  
Purpose  
Offensive Conditions  
pH  
Phosphorus  
Dissolved Oxygen  
Radioactivity  
Numeric Standards for Chemical Constituents  
Fecal Coliform  
Other Toxic Substances  
Ammonia Nitrogen and Un-ionized Ammonia  
Effluent Modified Waters (Ammonia)

## SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS

Section  
302.301  
302.302  
302.303  
302.304  
302.305  
302.306

Scope and Applicability  
Agriculture Permits  
Finished Water Standards  
Chemical Constituents  
Other Contaminants  
Fecal Coliform

## SUBPART D: SECONDARY CONTACT AND INDIGENOUS AQUATIC LIFE STANDARDS

Section  
302.401

Scope and Applicability

## POLLUTION CONTROL BOARD

## REQUEST FOR EXPEDITED CORRECTION

## Purpose

## Unnatural Sludge

## pH

## Dissolved Oxygen

## Fecal Coliform (Repealed)

## Chemical Constituents

## Temperature

## Complaints

## 302.409

## Substances Toxic to Aquatic Life

## SUBPART E: LAKE MICHIGAN WATER QUALITY STANDARDS

Section  
302.501  
302.502  
302.503  
302.504  
302.505  
302.506  
302.507  
302.508  
302.509

Scope and Applicability  
Dissolved Oxygen  
pH  
Chemical Constituents  
Fecal Coliform  
Temperature  
Existing Sources on January 1, 1971  
Sources Under Construction But Not in Operation on January 1, 1971  
Other Sources

## SUBPART F: PROCEDURES FOR DETERMINING WATER QUALITY CRITERIA

Section  
302.601  
302.603  
302.604  
302.606  
302.612  
302.615  
302.618

Scope and Applicability  
Definitions  
Mathematical Abbreviations  
Data Requirements  
Determining the Acute Aquatic Toxicity Criterion for an Individual Substance - General Procedures  
Determining the Acute Aquatic Toxicity Criterion - Toxicity Independent of Water Chemistry  
Determining the Acute Aquatic Toxicity Criterion - Toxicity Dependent on Water Chemistry

302.621 Determining the Chronic Aquatic Toxicity Criterion - Procedures for Combination of Substances  
302.627 Determining the Chronic Aquatic Toxicity Criterion for an Individual Substance - General Procedures  
302.630 Determining the Chronic Aquatic Toxicity Criterion - Procedure for Combination of Substances  
302.633 The Wild and Domestic Animal Protection Criterion  
302.642 The Human Threshold Criterion  
302.645 Determining the Acceptable Daily Intake  
302.648 Determining the Human Threshold Criterion  
302.651 The Human Nonthreshold Criterion  
302.654 Determining the Risk Associated Intake

## POLLUTION CONTROL BOARD

## REQUEST FOR EXPEDITED CORRECTION

- 302.657 Determining the Human Nonthreshold Criterion
- 302.658 Stream Flow for Application of Human Nonthreshold Criterion
- 302.660 Bioconcentration Factor
- 302.663 Determination of Bioconcentration Factor
- 302.666 Utilizing the Bioconcentration Factor
- 302.669 Listing of Derived Criteria

APPENDIX A References to Previous Rules  
APPENDIX B Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 8 Ill. Reg. 1629, effective January 18, 1984; peremptory amendments at 10 Ill. Reg. 461, effective December 23, 1985; amended at 12 Ill. Reg. 9911, effective May 27, 1986; amended at 13 Ill. Reg. 5986, effective April 18, 1989; amended in 885-1(a) at 14 Ill. Reg. 28974, effective July 9, 1990; amended in 885-1(b) at 15 Ill. Reg. 1974, effective July 9, 1990; amended in 885-1(c) at 16 Ill. Reg. 7682, effective May 24, 1996; amended at 21 Ill. Reg. 3236, effective December 23, 1996; expedited correction at 21 Ill. Reg. ~~3236~~, effective December 23, 1996.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act, as of July 1, 1994.

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PUBLIC INFORMATION

NOTICE OF SUSPENSION OF LICENSE ISSUED  
UNDER THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987, 205 ILCS 635/4-5(g) (1994), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a Suspension of license effective February 14, 1997, suspending the license of The William Block Company, an Illinois Residential Mortgage Licensee located at 236 Market Square, Lake Forest, Illinois 60045.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION TO  
EMERGENCY RULEMAKING

DEPARTMENT OF CORRECTIONS

Heading of the Part: Health Care

Code Citation: 20 Ill Adm Code 415

Section Numbers: 415.30

Date Originally Published in the Illinois Register: 1/10/97  
21 Ill Reg 638

At its meeting on February 26, 1997, the Joint Committee on Administrative Rules recommended that the Department seek a statutory amendment to clarify that a committed person's trust fund can be encumbered by the Department during the duration of incarceration for legally required payment for services received by the committed person.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION TO  
EMERGENCY RULEMAKING

DEPARTMENT OF CORRECTIONS

Heading of the Part: Rights and Privileges

Code Citation: 20 Ill Adm Code 525

Section Numbers: 525.130

Date Originally Published in the Illinois Register: 1/10/97  
21 Ill Reg 641

At its meeting on February 26, 1997, the Joint Committee on Administrative Rules recommended that the Department seek a statutory amendment to clarify that a committed person's trust fund can be encumbered by the Department during the duration of incarceration for legally required payment for services received by the committed person.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION  
TO PROPOSED RULEMAKING

## PROPERTY TAX APPEAL BOARD

Heading of the Part: ProceduresCode Citation: 86 Ill Adm Code 1910Section Numbers: 1910.60(c)Date Originally Published in the Illinois Register: 12/13/96

20 Ill Reg 15657

At its meeting on February 26, 1997, the Joint Committee on Administrative Rules objected to Section 1910.60(c) of the above cited rulemaking because it contravenes statute by precluding taxing districts from filing an appeal with PTAB when the taxpayer has opted to petition the circuit court rather than PTAB. Section 16-160 of the Property Tax Code [35 ILCS 200] explicitly precludes taxpayers from filing objections based upon valuation with both PTAB and the court system, but does not apply the same limitation to taxing bodies.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION  
TO PROPOSED RULEMAKING

## DEPARTMENT OF REVENUE

Heading of the Part: Retailers' Occupation TaxCode Citation: 86 Ill Adm Code 130Section Numbers: 130.120Date Originally Published in the Illinois Register: 11/1/96

20 Ill Reg 14161

At its meeting on February 26, 1997, the Joint Committee on Administrative Rules objected to the above cited rulemaking because the Department lacks specific statutory authority to restrict an incentive created by the General Assembly in a manner not anticipated by the GA. Additionally, this rulemaking would have an undue economic impact on small businesses that made use of the incentive when the State was in need of their participation in infrastructure repairs, unaware that this additional limitation on that incentive would be applied at a later date.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION  
TO PROPOSED RULEMAKING

DEPARTMENT OF REVENUE

Heading of the Part: Service Occupation Tax

Code Citation: 86 Ill Adm Code 140

Section Numbers: 140.125

Date Originally Published in the Illinois Register: 11/1/96  
20 Ill Reg 14175

At its meeting on February 26, 1997, the Joint Committee on Administrative Rules objected to the above cited rulemaking because the Department lacks specific statutory authority to restrict an incentive created by the General Assembly in a manner not anticipated by the GA. Additionally, this rulemaking would have an undue economic impact on small businesses that made use of the incentive when the State was in need of their participation in infrastructure repairs, unaware that this additional limitation on that incentive would be applied at a later date.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCRR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING

ROOM C-1  
SPRINGFIELD, ILLINOIS

9:00 A.M.

MARCH 18, 1997

**NOTICES:** Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706

**RULEMAKINGS SCHEDULED FOR JCRR REVIEW**

The following rulemakings are scheduled for review at this meeting. JCRR staff may be proposing action with respect to some of these rulemakings. JCRR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCRR review and any other issues within the Committee's purview.

**PROPOSED RULEMAKINGS**

AGING

1. Community Care Program (89 Ill Adm Code 240)  
-First Notice Published: 20 Ill Reg 13463 - 10/18/96  
-Expiration of Second Notice Period: 4/13/97

Capitol Development Board

2. Repeal of Illinois Accessibility Code (71 Ill Adm Code 400)  
-First Notice Published: 21 Ill Reg 1 - 1/3/97  
-Expiration of Second Notice: 4/5/97

3. Illinois Accessibility Code (71 Ill Adm Code 400)  
-First Notice Published: 21 Ill Reg 45 - 1/3/97  
-Expiration of Second Notice Period: 4/5/97

Carnival-Amusement Safety Board

4. Carnival and Amusement Ride Inspection Law (56 Ill Adm Code 6000)



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
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MARCH 18, 1997

- First Notice Published: 20 Ill Reg 11428 - 8/23/96  
-Expiration of Second Notice Period: 4/4/97

Central Management Services

5. Pay Plan (80 Ill Adm Code 310)  
-First Notice Published: 20 Ill Reg 14954 - 11/22/96  
-Expiration of Second Notice Period: 3/19/97

Children and Family Services

6. Licensing Standards for Day Care Agencies (89 Ill Adm Code 405)  
-First Notice Published: 20 Ill Reg 5184 - 4/5/96  
-Expiration of Second Notice Period:

7. Licensing Standards for Group Day Care Homes (89 Ill Adm Code 408)  
-First Notice Published: 20 Ill Reg 5236 - 4/5/96  
-Expiration of Second Notice Period:

Elections

8. Registration of Voters (26 Ill Adm Code 216)  
-First Notice Published: 20 Ill Reg 14113 - 11/1/96  
-Expiration of Second Notice Period: 3/29/97

Fire Marshal

9. Storage, Transportation, Sale and Use of Liquefied Petroleum Gas (41 Ill Adm Code 200)  
-First Notice Published: 20 Ill Reg 15843 - 12/20/96  
-Expiration of Second Notice Period: 3/29/97

Gaming Board

10. Riverboat Gambling (86 Ill Adm Code 3000)  
-First Notice Published: 20 Ill Reg 10439 - 8/9/96  
-Expiration of Second Notice Period: 4/11/97

Natural Resources

11. Commercial Fishing and Musseling in Certain Waters of the State (17 Ill Adm Code 800)  
-First Notice Published: 20 Ill Reg 16055 - 12/27/96

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
9:00 A.M..  
MARCH 18, 1997

- Expiration of Second Notice Period: 3/30/97

12. Sport Fishing Regulations for the Waters of Illinois (17 Ill Adm Code 810)  
-First Notice Published: 20 Ill Reg 16064 - 12/27/96  
-Expiration of Second Notice Period: 3/30/97

13. Commercial Fishing in Lake Michigan (17 Ill Adm Code 850)  
-First Notice Published: 21 Ill Reg 322 - 1/3/97  
-Expiration of Second Notice Period: 4/6/97

Public Aid

14. Medical Assistance Programs (89 Ill Adm Code 120)  
-First Notice Published: 20 Ill Reg 11472 - 8/23/96  
-Expiration of Second Notice Period: 4/4/97

15. Medical Payment (89 Ill Adm Code 140)  
-First Notice Published: 20 Ill Reg 9810 - 7/26/96  
-Expiration of Second Notice Period:

Public Health

16. Illinois Mobile Home Tiedown Act (77 Ill Adm Code 870)  
-First Notice Published: 20 Ill Reg 9831 - 7/26/96  
-Expiration of Second Notice Period: 3/23/97

17. Nursing Education Scholarships (77 Ill Adm Code 597)  
-First Notice Published: 20 Ill Reg 4917 - 3/29/96  
-Expiration of Second Notice Period: 3/23/97

Rehabilitation Services

18. Customer Financial Participation (89 Ill Adm Code 562)  
-First Notice Published: 20 Ill Reg 15200 - 12/2/96  
-Expiration of Second Notice Period: 4/11/97

Secretary of State

19. Public Library Construction Grants (23 Ill Adm Code 3060)  
-First Notice Published: 20 Ill Reg 14991 - 11/22/96  
-Expiration of Second Notice Period: 3/22/97

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
9:00 A.M.  
MARCH 18, 1997

State Employees' Retirement System

20. The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill Adm Code 1540)  
-First Notice Published: 21 Ill Reg 360 - 1/3/97  
-Expiration of Second Notice Period: 4/5/97

Teachers' Retirement System

21. The Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650)  
-First Notice Published: 21 Ill Reg 362 - 1/3/97  
-Expiration of Second Notice Period: 4/3/97

EMERGENCY AND PEREMPTORY RULEMAKINGSAgriculture

22. Meat and Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)  
-Notice Published: 21 Ill Reg 1719 - 2/7/97

Public Health

23. Emergency Medical Services and Trauma Center Code (77 Ill Adm Code 515) (Emergency)  
-Notice Published: 21 Ill Reg 2437 - 2/14/97

Revenue

24. Income Tax (86 Ill Adm Code 100) (Emergency)  
-Notice Published: 21 Ill Reg 2969 - 3/7/97

Secretary of State

25. Department of Personnel (80 Ill Adm Code 420) (Emergency)  
-Notice Published: 21 Ill Reg 1710 - 2/7/97

EXPEDITED CORRECTIONSPollution Control Board

26. Steel and Foundry Industry Waste Landfills (35 Ill Adm Code 817)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
9:00 A.M.  
MARCH 18, 1997

27. Effluent Standards (35 Ill Adm Code 304)

28. Water Quality Standards (35 Ill Adm Code 302)

EXPEDIT RULEMAKINGPollution Control Board

29. Definitions and General Provisions (35 Ill Adm Code 211)  
-Proposed Date: 11/1/96  
-Adopted Date: 2/21/97

AGENCY RESPONSESAgriculture

30. Egg and Egg Products Act  
-First Published: 20 Ill Reg 1558 - 9/20/96  
-Recommendation Date: 12/17/96  
-Response: Agreement

Property Tax Appeal Board

31. Procedures (86 Ill Adm Code 1910)  
-First Published: 20 Ill Reg 15657 - 12/13/96  
-Recommendation Date: 2/26/97  
-Response: Agreement

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 25, 1997 through March 3, 1997 and have been scheduled for review by the Committee at its March 18, 1997 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
4/11/97	Department of Rehabilitation Services, Customer Financial Participation (89 Ill Adm Code 562)	12/2/96 20 Ill Reg 15200	3/18/97
4/13/97	Department on Aging, Community Care Program (89 Ill Adm Code 240)	10/18/96 20 Ill Reg 13463	3/18/97
4/13/97	Illinois Gaming Board, Riverboat Gambling (86 Ill Adm Code 3000)	8/9/96 20 Ill Reg 10439	3/18/97

## PROCLAMATIONS

97-84

## DISASTER AREAS - HENRY, ROCK ISLAND AND WHITESIDE COUNTIES

Unusual winter thunderstorms and heavy rainfall beginning on February 20, 1997 and continuing have caused flooding on streams and rivers in northern Illinois, with the greatest impact thus far to areas along the Rock River. Sub-freezing temperatures, ice flows and ice jams accentuated the impact of the flooding, and have resulted in requests from local governments for State assistance.

In the interest of responding to the threat imposed to public health and safety as a result of this flooding, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Henry, Rock Island and Whiteside counties as disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the State effort to assist local governments in disaster response and recovery operations. In addition to providing assistance to local governments, this declaration provides for the assessment of damages to determine the need for additional assistance.

Issued by the Governor February 26, 1997.

Filed by the Secretary of State February 26, 1997.

97-85

## CHICAGO TITLE AND TRUST COMPANY DAY

Whereas, Chicago Title and Trust Company began in 1847; and  
Whereas, Chicago Title and Trust Company is one of the first companies in the State, and it continues to be based in Illinois; and  
Whereas, following the Great Chicago Fire, which destroyed official records of property ownership, Chicago Title and Trust Company preserved its records; and

Whereas, after the Illinois General Assembly passed the "Burnt Records Act," documents held by Chicago Title and Trust Company served as the foundation for the rebuilt Chicago; and

Whereas, Chicago Title and Trust Company became the first trust company authorized under the General Trust Company Act of 1887; and

Whereas, in 1888, Chicago Title and Trust Company issued the first title guarantee policy in Illinois, a new kind of protection today known as real estate title insurance; and

Whereas, Chicago Title and Trust Company, from its origin in 1847, grew from a small Chicago business to a nationally-recognized leader in real estate and financial services; and

Whereas, Chicago Title and Trust Company will celebrate its 150th anniversary;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 4, 1997, as **CHICAGO TITLE AND TRUST COMPANY DAY** in Illinois.

Issued by the Governor February 20, 1997.

Filed by the Secretary of State March 3, 1997.

97-86

## CONVERTING MACHINERY AND MATERIALS WEEK

Whereas, the 1997 CONVERTING Machinery and Materials (CMM) Conference and Exposition will be held at Chicago's McCormick Place; and

Whereas, the event is the world's largest showcase and educational forum for the converting and package printing industry, with more than 800 exhibitors; and

Whereas, top industry experts will be present at the trade show to offer updates on changing equipment, evolving technologies and worldwide market trends affecting the converting industry; and

Whereas, the conference is expected to draw more than 33,000 converting professionals from 70 countries;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 13-19, 1997, as **CONVERTING MACHINERY AND MATERIALS WEEK** in Illinois.

Issued by the Governor February 20, 1997.

Filed by the Secretary of State March 3, 1997.

97-87

## ERIKSON INSTITUTE DAY

Whereas, the Erikson Institute is a private graduate school and research center for advanced study in child development, affiliated with Loyola University Chicago; and

Whereas, the Erikson Institute is one of four institutions in the nation that focuses on educating leaders in child development; and

Whereas, the Erikson Institute has been recognized internationally for its research, training and public policy leadership, particularly in foundations for school success and healthy development of children in high-risk environments; and

Whereas, the Erikson Institute will celebrate its 30th anniversary with a gala dinner on March 9, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 8, 1997, as **ERIKSON INSTITUTE DAY** in Illinois.

Issued by the Governor February 20, 1997.

Filed by the Secretary of State March 3, 1997. t+1

97-88

## EVA WOLBERG CONGRATULATED

Whereas, Eva Wolberg was born March 1, 1897, at Chicago Lying Inn Hospital to Wally and Morris Cohen; and

Whereas, Eva Wolberg grew up in Crystal Lake, Illinois; and

Whereas, Eva Wolberg is the mother of three daughters, Ethelwynne, Charlotte and Roslyn, 11 grandchildren and 19 great-grandchildren; and

Whereas, Eva Wolberg has lived at her residence for the past 57 years, still doing her own cleaning and cooking; and

Whereas, Eva Wolberg will celebrate her 100th birthday on March 1, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend best wishes and sincere congratulations to Eva Wolberg on reaching this milestone.

Issued by the Governor February 20, 1997.

Filed by the Secretary of State March 3, 1997.

97-89

## LABOR MANAGEMENT COOPERATION WEEK

Whereas, the fundamental mission of the Illinois Labor-Management Cooperation Committee is to promote and maintain an image of positive labor-management relations in the state; and

Whereas, rapid technological innovation, changing demographics, and foreign competition have placed considerable stress on both labor and management in Illinois; and

Whereas, the Cooperation Committee has adopted an ambitious agenda that is responsive to the major forces driving change in Illinois' labor market; and

Whereas, cooperation and communication have proven to be vital components for companies as they respond to current and future challenges with bold new initiatives; and

Whereas, the Illinois Labor-Management Cooperation Committee promotes the creation of Labor-Management Partnerships in Illinois workplaces; and

Whereas, the Illinois Labor-Management Cooperation Committee and the Illinois Department of Commerce and Community Affairs will cosponsor the sixth State Labor-Management Conference April 21-25 in Kankakee to showcase cooperative labor-management activities in our state;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 21-25, 1997, as **LABOR-MANAGEMENT COOPERATION WEEK** in Illinois in recognition of the strong cooperative labor-management environment which is vital to our continuing economic development and growth.

Issued by the Governor February 20, 1997.

Filed by the Secretary of State March 3, 1997.

97-90

## LES FEMMES DAY

Whereas, the Mount Zion High School Show Choir, "Les Femmes," has a distinguished reputation in the field of music; and the direction of Connie Mulligan, a member of the Mount Zion High School Show Choir, is in the field of musical performance; and

Whereas, the Mount Zion High School Show Choir, "Les Femmes," based on superior performance ratings, has been selected to participate in the 1997 "Branson Jubilee" National Show Choir Competition;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1-4, 1997, as **LES FEMMES DAY** in Illinois.

Issued by the Governor February 20, 1997.

Filed by the Secretary of State March 3, 1997.

97-91

## SCHOOL COUNSELOR WEEK

Whereas, school counselors are advocates in providing guidance services for thousands of children in elementary and high schools in regular and special education settings; and

Whereas, school counselors help children and adolescents realize their potential both academically and socially; and

Whereas, school counselors help children and adolescents learn to solve problems, settle differences in a peaceful manner, negotiate, make good decisions, and set appropriate goals for their futures; and

Whereas, school counselors help teachers and administrators provide curricula which stress developmental and career goals so that the student's transition from school to work is successful; and

Whereas, school counselors work with parents and outside agencies to advocate for the best interest of children by coordinating their efforts; and

Whereas, school counselors provide opportunities for students to develop leadership skills, apply for scholarships, develop special interests, and understand their strengths and weaknesses;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 12-31, 1997, as **SCHOOL COUNSELOR WEEK** in Illinois.

Issued by the Governor February 20, 1997.

Filed by the Secretary of State March 3, 1997.

## 97-32

**WOMEN'S BUSINESS DEVELOPMENT DAY**

Whereas, the Women's Business Development Center (WBDC), founded by Carol Dougal and Betty Rafter, is a nationally-recognized nonprofit women's business assistance organization devoted to providing services and programs in support of women's business ownership; and

Whereas, a function of the 1997 Agency Chicago on September 12, 1997, will celebrate the 10th Annual Entrepreneurial Woman's Conference, and will celebrate the WBDC's commitment to greater opportunities for women in business ownership and development; and

Whereas, the WBDC encourages women's economic empowerment by striving to influence the political and economic environment; and

Whereas, more than 30,000 women business owners have benefited from the WBDC's programs and services including workshops, one-on-one counseling, entrepreneurial training, the Women's Business Finance Program, the Women's Business Enterprise Initiative and employment training resources; and

Whereas, there are now nearly eight million women-owned businesses in the nation and more than 350,000 in the state, and women business owners employ one of every four workers in the nation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 12, 1997, as **WOMEN'S BUSINESS DEVELOPMENT DAY** in Illinois.

Issued by the Governor February 20, 1997.

Filed by the Secretary of State March 3, 1997.

## 97-33

**AMERICAN RED CROSS MONTH**

Whereas, founded by Clara Barton on May 21, 1881, the American Red Cross is a humanitarian organization led by volunteers and is the largest social service agency in the world; and

Whereas, Congress has designated the American Red Cross as the nation's main voluntary agency responsible for disaster relief and the primary emergency communications link between military personnel and their families; and

Whereas, the American Red Cross is the primary deliverer of health and safety services to the American people as approved by the American Academy of Sciences; and

Whereas, 55 American Red Cross Chapters and two blood regions in Illinois provide services for the more than 11.7 million residents of the state; and

Whereas, the American National Red Cross provides more than half of the

nation's blood supply, serving hospitals throughout Illinois by collecting, processing and distributing more than 200,000 units of blood; and

Whereas, the American Red Cross in Illinois provided relief services to victims of flooding, tornadoes, residential fires and other disasters throughout the state during 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1997 as **AMERICAN RED CROSS MONTH** in Illinois.

Issued by the Governor February 25, 1997.

Filed by the Secretary of State March 3, 1997.

## 97-34

**CHRISTMAS IN APRIL DAY**

Whereas, Christmas in April is an annual, one-day event to repair and rehabilitate the houses of low-income homeowners, particularly those who are elderly and disabled; and

Whereas, Christmas in April and its 12 chapters in Illinois have helped many Illinois citizens provide some of the basic necessities which are easily taken for granted; and

Whereas, Christmas in April is celebrating the 25th anniversary of its founding and has been spreading the spirit of volunteerism across the United States; and

Whereas, Christmas in April welcomes everyone to participate in this "neighbor helping neighbor" activity; and

Whereas, Christmas in April is the leading national volunteer organization that, in partnership with the community, rehabilitates the houses of those in need, so that they may continue to live in warmth, safety and independence;

Therefore, I, Jim Edgar, Governor of Illinois, proclaim April 26, 1997, as **CHRISTMAS IN APRIL DAY** in Illinois.

Issued by the Governor February 29, 1997.

Filed by the Secretary of State March 3, 1997.

## 97-35

**ILLINOIS ELECTRIC AND TELEPHONE COOPERATIVE YOUTH DAY**

Whereas, for the past 38 years, the Electric and Telephone Cooperatives of Illinois have sponsored a paid tour of Washington, D.C. for approximately 75 outstanding Illinois high school students who are selected on the basis of essay and youth leadership contests sponsored by member cooperatives; and

Whereas, students from Illinois, along with nearly 1,500 contest winners from other states, will have an opportunity to witness their federal government in action during the "Youth to Washington" tour June 13-20, 1997; and

Whereas, in an effort to provide a broader educational experience for more students throughout the state, the Electric and Telephone Cooperatives of Illinois also will sponsor a trip to our state capital April 30 for 250-300 contest finalists;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 30, 1997, as **ILLINOIS ELECTRIC AND TELEPHONE COOPERATIVE YOUTH DAY** in Illinois.

Issued by the Governor February 25, 1997.

Filed by the Secretary of State March 3, 1997.

## 97-36

**LIONESS CARAMEL DAY**

Whereas, the Lioness Clubs of Illinois tirelessly donate their time to ongoing efforts to help the blind, visually impaired, deaf, and hearing impaired; and

Whereas, the Lioness Clubs of Illinois are sponsoring Lioness Caramel Day for Sight and Sound throughout our state on May 2, 1997; and

Whereas, Caramel Day is being held under the auspices of the Lions of Illinois Foundation, a nonprofit organization; and

Whereas, Illinois residents will benefit greatly from funds raised on Caramel Day;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 2, 1997, as **LIONESS CARAMEL DAY** in Illinois and urge citizens to support this worthwhile endeavor.

Issued by the Governor February 25, 1997.

Filed by the Secretary of State March 3, 1997.

## 97-97

## LIONS CANDY DAY

Whereas, Lions of Illinois have spearheaded efforts to protect our citizens against the ravages of blindness and deafness for many years; and

Whereas, presently, 28,000 Illinois citizens are blind and 106,000 Illinois residents are deaf or hearing-impaired; and

Whereas, Lions have expended millions of dollars in recent years for an eye donor registry, low vision clinics and hearing screenings, camping programs, hearing aid and eyeglass collections, and hundreds of other local programs; and

Whereas, on Friday, October 10, 1997, Lions are observing Candy Day, their primary fund-raising event of the year;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 10, 1997, as **LIONS CANDY DAY** in Illinois in recognition and support of the organization's many worthwhile endeavors.

Issued by the Governor February 25, 1997.

Filed by the Secretary of State March 3, 1997.

## 97-98

## FAMILY CHILD CARE PROVIDER APPRECIATION DAY

Whereas, family child care providers are an important component of the child care system in Illinois; and

Whereas, the Midwest Family Childcare Alliance provides training materials and workshops to enable providers and local associations to better provide for the children of Illinois; and

Whereas, the Midwest Family Childcare Alliance supports child care providers through shared resources, leadership development, consultation and educational opportunities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 9, 1997, as **FAMILY CHILD CARE PROVIDER APPRECIATION DAY** in Illinois.

Issued by the Governor February 26, 1997.

Filed by the Secretary of State March 3, 1997.

## 97-99

## SAVE YOUR VISION WEEK

Whereas, Save Your Vision Week was started by members of the American Optometric Association in 1927; and

Whereas, the American Optometric Association issues guidelines on how often people of different ages should have their vision checked; and

Whereas, following guidelines for regular eye checkups can help prevent vision problems, uncover eye disease early before permanent damage is done, and treatment can be more effective; and help everyone see as well as they can; and

Whereas, 1997 is the 70th anniversary of Save Your Vision Week;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 2-8, 1997, as **SAVE YOUR VISION WEEK** in Illinois.

Issued by the Governor February 26, 1997.

Filed by the Secretary of State March 3, 1997.

## 97-100

## SHIP WEEK

Whereas, Illinois' aging and disabled populations are expanding dramatically each year; and

Whereas, the insurance programs that have been developed to serve these populations are complex and confusing; and

Whereas, government alone cannot solve all of the problems that this current insurance system has created; and

Whereas, Senior Health Insurance Program (SHIP) volunteers form the foundation of the Illinois Insurance Department's effort to educate and assist these Medicare beneficiaries; and

Whereas, more than 800 volunteers have contributed nearly 82,000 hours to assist some 45,000 clients, thereby saving these Illinois citizens in excess of \$1.5 million; and

Whereas, the SHIP volunteers who contribute both their time and talents to better the lives of Illinois Medicare beneficiaries are valuable citizens;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 2-6, 1997, as **SHIP WEEK** in Illinois.

Issued by the Governor February 26, 1997.

Filed by the Secretary of State March 3, 1997.



Rules acted upon during the quarter of January 1 through March 31, 1997 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or [jntale@egate.sos.state.il.us](mailto:jntale@egate.sos.state.il.us) (Internet address).

## PROPOSED

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